

CASE NO. 08cv 1589

ATTACHMENT NO. \_\_\_\_\_ |

EXHIBIT \_\_\_\_\_

TAB (DESCRIPTION) \_\_\_\_\_

FEB 07 1991

LEO E. HOLT

pp deft in custody. Plea pt. not guilty (HE) is entered. Opening statements heard. State presents testimony. O/C 2/8/91x (1:00)

FEB 08 1991

LEO E. HOLT

pp deft in custody Atty. present MD leave to file Motion to Dismiss allowed. Refto Motion to Dismiss heard & denied O/C 2/11/91x

FEB 11 1991

LEO E. HOLT

pp deft in custody Atty. present State presents further testimony O/C 2/13/91x

FEB 13 1991

LEO E. HOLT

pp deft in custody Atty. present State presents further testimony O/C 2/14/91x

2/14/91 Holt

pp deft in custody State presents further testimony O/C 2/19/91x 1pm.

2/19/91 Holt

pp deft in custody State presents further testimony O/C 2/20/91x (1:00)

FEB 20 1991

LEO E. HOLT

pp deft in custody State presents further testimony MD to Strike testimony denied. State rests O/C 2/21/91x

FEB 21 1991

LEO E. HOLT

pp deft in custody MD leave to file Memorandum in Support of Motion for a directed finding allowed. BA 3125191x

Jerome Hendricks Jr. 08CR 12517

DATE

PAPERS FILED

DATE

JUDGE

ORDERS ENTERED

MAR 25 1991	LEO E. HOLT	pp. deft in custody. Ruling on Motion for a directed finding - MD for a directed finding of not guilty. Denied Subpoena ad to Counts 5 & 8 (Agg Crim Sex Assault) and denied as to CTS 1, 2, 3, 4 (Murder), i.e., 19, 18 (Agg Crim Sex Assault), 17 (Agg Sex Assault), 12 (Conceal Comp Death), 13 (Kidnapping), 14, 15, 16, 17 (Agg Kidnapping) and CT 18 (Unlawful Restraint). O/C 3/26/91 x
MAR 26 1991	LEO E. HOLT	pp. deft in custody. Defense presents testimony. O/C 4/16/91 x

APR 16 1991	LEO E. HOLT	pp. deft in custody. Defense presents testimony. O/C 5/21/91 x
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MAY 21 1991	LEO E. HOLT	pp. deft in custody BA 5/23/91 x
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5/23/91 Holt pp. deft in custody BA 5/29/91 w/s Bench  
(OVER)

5/29/91	HOLT	pp deft in custody. Defense rests. Both sides rest. Closing arguments heard. O/C 5/30/91 x 1:00
5/30/91	HOLT	pp deft in custody. Finding of the Court: deft guilty of Counts 1, 2 & 3 (Murder), C. 10 (Aggravated Assault), C. 12 (Conspiracy), C. 13 (Kidnaping), C. 14, 15, 16, 17 (Aggravated Kidnaping) and C. 18 (Unlawful Restraint). Judgment entered on Counts 1, 10, 12 and 14 only. Finding of Not Guilty on Counts 4, 6, 7, 9 and 11. Bench Revisited. PSI ordered. O/C 8/20/91 x
7/18/91	CLERK	There was filed in the Clerk's office a Motion for a New Trial as to deft. Jerome Hendricks.
8/20/91	HOLT	pp deft in custody. Motion for a New Trial heard & denied. O/C 8/22/91 x 9:30
AUG 22 1991	LEO E. HOLT,	pp deft in custody. Ruling of the Court, deft found eligible for imposition of the Death Penalty. Testimony heard in aggravation and mitigation. O/C 8/26/91 x 9:30 for sentencing

THE PEOPLE OF THE STATE OF ILLINOIS VS.

CASE  
NO.

Jerome Hendrickson 88cr12517

PAPERS FILED		
STATE OF ILLINOIS DEPARTMENT OF CORRECTIONAL FACILITIES CORRECTIONAL FACILITY OF SPRINGFIELD SIXTY-EIGHT		
DATE	JUDGE	ORDERS ENTERED
8/26/91	HOLT	pp deft. in custody. Deft sentenced to pending and judgment to Natural life on the charge of Murder (CT 1), 30 years. on the charge of Aggravated Criminal Sexual Assault (CT 10) to run consecutive, to Count 1 5 years on the charge of Concealment Homicidal Death (CT 12) to run concurrent with Count 10 and consecutive to Count 1, and 15 years on the charge of Aggravated Kidnapping (CT 14) concurrent with Counts 10 & 12 and consecutive to Count 1. Mittimus to Seize.
Deft advised of right to appeal		
8-28-91	Clerk	NOTICE OF APPEAL RECEIVED AND FILED IN CLERK'S OFFICE 000024
9-5-91	Clerk	NOTICE OF APPEAL MAILED O/C set a Cappellee Letter 9-13-91 (OVER)
9-13-91	T.R. Fitzgerald	O/C P/B Opt'd on Appeal & facts forefiled

DATE

JUDGE

ORDERS ENTERED

o/c Free report of proceedings  
Ordered

1-17-94

CLKS. OFF.

APPELLATE COURT MANDATE  
FILED IN CLERKS OFFICE  
TRANSFER TO PRESIDING JUDGE  
FOR 1-24-94

DISMISSED  AFFIRMED  RECALLED

1-24-94 Fitzgerald

Off. Cir Ct

2-24-94 Clerk

RE: PETITION FOR POST CONVICTION RELIEF filed To be  
heard on 3-10-94 in 101

3-10-94 RASTONE

TRANSFER TO JUDGE HOLT FOR 3-17-94

12-17-1994

LEO E. HOLT

pp DNP o/c 3/23/94 x

3/21/94 Holt

pp DNP Motion to Disagree  
Denied Petition for Post  
Conviction Relief - Dismissed  
Draft Order entered

3/29/94 CLERK

Certification mailed to Defendant  
regarding Post Conviction Disposition

1-23-97

CLKS. OFF.

APPELLATE COURT MANDATE  
FILED IN CLERKS OFFICE  
TRANSFER TO PRESIDING JUDGE  
FOR 2-05-97

DISMISSED  AFFIRMED  RECALLED

EB 05 1997

THOMAS R. FITZGERALD

Cn. 09 was in further proceedings

J Holt 2-19-97

CC: U.S.A.

*Jerome Hendricks*

NO.

*88cr 12517*

DATE	PAPERS FILED	
DATE	JUDGE	ORDERS ENTERED
	CLERKS OFFICE	NOTICE OF APPEAL FILED <i>4-7-94</i>
		NOTICE OF APPEAL MAILED <i>5-5-94</i>
		APPELLATE HEARING DATE ASSIGNED BEFORE PRESIDING JUDGE ON <i>5-70-94</i>
<i>MAY 10 1994</i>	T.R. FITZGERALD O/C	<input checked="" type="checkbox"/> STATE APPELLATE DEFENDER <input checked="" type="checkbox"/> PUBLIC DEFENDER <input type="checkbox"/> PRIVATE ATTORNEY <input type="checkbox"/> OTHER
		APPOINTED TO REPRESENT THE DEFENDANT ON THE APPEAL
		<input checked="" type="checkbox"/> FREE REPORT OF PROCEEDINGS, ALLOWED <input type="checkbox"/> FREE REPORT OF PROCEEDINGS, DENIED
(3-81)		
	(OVER) <i>CCCO 020</i>	

THE PEOPLE OF THE STATE OF ILLINOIS VS.

CASE  
NO.

88-12517

Jerome Hendricks

DATE

PAPERS FILED

Pro file

DATE	JUDGE	ORDERS ENTERED
4-19-94	clerk	RE: PETITION FOR POST CONVICTION RELIEF FILED To be heard in 101 on 6-10-94
6/10/94	BASONE Trans. Judge Holt	6/17/94
6/17/94	HOLT pp DNP 6/27/94	
JUN 21 1994	LEO E. HOLT	pp DNP 6/30/94
6/30/94	HOLT pp DNP 6/30/94	
7/27/94	HOLT pp DNP P.D.appt. 6/16/94	
9/14/94	HOLT pp DNP PD appt. BA 12/16/94	
9/16/94	LEO E. HOLT	pp DNP MS, Leave to file granted Motion to Dismiss allowed, MS to Dismiss - Allowed.

1st file

PEOPLE OF THE STATE OF ILLINOIS VS.

Jerome Hendricks

CASE  
NO.

88CR-12517

ATE

PAPERS FILED

DATE	JUDGE	ORDERS ENTERED
31-95	Office	Defendant in Custody, Received and filed Request for Status and appealing decision (Previously sent).
FEB 24 1995	WILL BROWNFIELD #4540	pk o/c case assigned to Judge West 2/27/95
2/24/95	HOLT	DNP k 3/1/95
3/1/95	HOLT	pp DNP 0/c 3/21/95
MAR 21 1995	LEO G. MALL	pp DNP Off Call
CG-69 (3-81)		(OVER)

*Jerome Hendricks**8/25/17*

DATE	PAPERS FILED	
DATE	JUDGE	ORDERS ENTERED
	CLERKS OFFICE	NOTICE OF APPEAL FILED <i>1-11-95</i>
		NOTICE OF APPEAL MAILED <i>1-31-95</i>
		APPELLATE HEARING DATE ASSIGNED BEFORE PRESIDING JUDGE ON <i>FEB 03 1995</i>
<i>8-03-1005</i>	T.R. FITZGERALD	O/C <input checked="" type="checkbox"/> STATE APPELLATE DEFENDER <input checked="" type="checkbox"/> PUBLIC DEFENDER <input type="checkbox"/> PRIVATE ATTORNEY <input type="checkbox"/> OTHER
		APPOINTED TO REPRESENT THE DEFENDANT ON THE APPEAL <input checked="" type="checkbox"/> FREE REPORT OF PROCEEDINGS, ALLOWED <input type="checkbox"/> FREE REPORT OF PROCEEDINGS, DENIED
(3-81)		(OVER)

*000625*

THE PEOPLE OF THE STATE OF ILLINOIS VS.

CASE

NO.

88 CR 12517

DATE	PAPERS FILED		
DATE	JUDGE	ORDERS ENTERED	
2-23-95	CLERK'S OFF.	<b>APPELLATE COURT MANDATE FILED IN CLERK'S OFFICE TRANSFER TO PRESIDING JUDGE FOR 3-3-95</b>	<input type="checkbox"/> DISMISSED <input checked="" type="checkbox"/> AFFIRMED <input type="checkbox"/> RECALLED
3/3/95	Bastone	CIR CT AFF	<input type="checkbox"/>
CG-69 (3-81)			(OVER)
			000630

Jerome Hendricks, #8cr12517

DATE

## PAPERS FILED

DATE	JUDGE	ORDERS ENTERED
9/19/97	HOLT	pp deft present on Writ from IDOC Deft remanded to IDOC - Writ Quashed - Return to IDOC O/C 3/4/97 X
9/4/97	HOLT	pp DNP - in IDOC O/C 3/4/97 X
3-10-97	Clerk	recd and filed (1) Notice of filing - Motion for Bar Association Attorney
9/14/97	HOLT	pp DNP - in IDOC O/C 3/17/97 X
5/23/97	HOLT	pp DNP - in IDOC O/C 3/29/97 X
LEO E. HOLT	AUG 29 1997	pp deft not present O/C 12/5/97 X
10/5/97	HOLT	pp DNP MD 1/14/98 X

DATE

JUDGE

ORDERS ENTERED

LEO E. HOLT	JAN 14 1998	pp DNP MS leave to file Motion to Dismiss allowed MD 3/20/98x
LEO E. HOLT	MAR 20 1998	MD 5-29-98x
LEO E. HOLT	MAY 29 1998	pp DNP BA 8/21/98X
8/21/98 Holt	pp DNP	Transfer to Presiding Judge for Reassignment 9/8/98X
7-8-98 Fitzgerald	J. Holt	J. Holt I M 7/8/98 9-17-98
7-17-98 Holt	M/D	12-8-98
12/08/98 Holt	DNP	M/D 01/20/99 - Final
3/1/20/99 Holt	DNP	M/D 03/18/99
3/18/99 Holt	DNP	B/A 6/3/99
6-3-99 Holt	M/D	9-1-99 final
9-1-99 Holt	O/C	11-2-99
11-2-99 Holt	M/D	12-1-99
12/1/99 Holt	DNP (C)	O/C 12/2/99
2-2-99 Holt	M/D	1/11/00

000032

*Jerome Kenricks*

DATE	PAPERS FILED	
	INDICTMENT/INFORMATION FILED IN THE CLERK'S OFFICE	
	PRES. JUDGE ASSIGNMENT DATE:	
	BAIL PREVIOUSLY SET \$	
DATE	JUDGE	ORDERS ENTERED
		NO ARRAIGNMENT
		ASSIGNED TO JUDGE
		<i>Motion - For counsel other than P.D office.</i>
1/27/00	Holt	%c 3/14/2000
1/24/00	clerk's office	Hearing Date assigned 1/27/2000 Appt. of counsel other than P.D.
1/27/00	HOLT	DNP %c 3/14/2000
3/14/00	Holt	DNP m/s 4/10/2000

**THE PEOPLE OF THE STATE OF ILLINOIS VS.**

CASE  
NO.

88cr 12517

DATE

**PAPERS FILED**

DATE	PAPERS FILED	
DATE	JUDGE	ORDERS ENTERED
12/2/99	Holt	m/d 1/11/2000
1/11/2000	HOLT	DNP(c) B/A m/d 3/14/2000
3/14/00	HOLT	DNP(c) m/d 4/10/00
4/10/00	HOLT	m/d 4/24/2000
4/24/2000	HOLT	m/d appt. of counsel other than P.D. - denied O/C 7/24/2000
7/24/2000	Holt	DNP B/A 9/13/2000
1-30-01	Holt	DNP(c) m/d 11-15-01
1-15-01	Holt	DNP(c) m/p 2-14-02

THE PEOPLE OF THE STATE OF ILLINOIS VS.

CASE

NO.

JF CL-12519 01

*Jerome Hendricks*

DATE	PAPERS FILED	
	INDICTMENT/INFORMATION FILED IN THE CLERK'S OFFICE	
	PRES. JUDGE ASSIGNMENT DATE:	
	BAIL PREVIOUSLY SET \$	
DATE	JUDGE	ORDERS ENTERED
		NO ARRAIGNMENT
		ASSIGNED TO JUDGE
1-31-02	<i>Holt</i>	Motion - Remove Counsel - request counsel other than P.D. office Halt 2-14-02
2-14-02	<i>Holt</i>	O/C 2-20-02.
2/20/02	<i>Holt</i>	O/M 03/22/02 Final
5/22/02	<i>HOLT</i>	(C) O/C 5/24/02
5/21/02	<i>HOLT</i>	M/D Ban Association - Denied O/C 8/14/02
8-14-02	<i>Holt</i>	O/C 11-14-02
11-14-02	<i>Holt</i>	O/C 3-13-03
3-13-03	<i>Holt</i>	DNP. BTA M/D 4-15-03



**DATE**

**JUDGE**

**ORDERS ENTERED**

12-28-94	CLERK	NOTICE OF POST CONVICTION DISMISSAL MAILED TO JENOME HENDICKS N-53807 P.O. BOX 99 PONTIAC CORRECTIONAL CENTER PONTIAC, ILLINOIS 61764
5/21/03	Holt	DNP M/D 7/9/03
7/9/03	Kirby	DNP 3/4 7/30/03
7/30/03	Holt	DNP O/C 10-15-03
2-23-05	Clerk/Holt	Motion - Adverse judgement & motion to vacate adverse judgement Holt 2-28-05

THE PEOPLE OF THE STATE OF ILLINOIS VS.

Henricks, Jerome

CASE

NO.

88CR12517

DATE	PAPERS FILED	
	INDICTMENT/INFORMATION FILED IN THE CLERK'S OFFICE	
	PRES. JUDGE ASSIGNMENT DATE:	
	BAIL PREVIOUSLY SET \$	
DATE	JUDGE	ORDERS ENTERED
		NO ARRAIGNMENT
		ASSIGNED TO JUDGE
	CLERK'S OFFICE	NOTICE OF APPEAL FILED 4-18-05
		NOTICE OF APPEAL MAILED 4-18-05
		APPELLATE HEARING DATE ASSIGNED BEFORE
		PRESIDING JUDGE 4-29-05
4-29-05	PAUL P. BIEBEL, JR.	<input checked="" type="checkbox"/> STATE APPELLATE DEFENDER <input type="checkbox"/> PUBLIC DEFENDER <input type="checkbox"/> OTHER
		<input checked="" type="checkbox"/> APPOINTED TO REPRESENT THE DEFENDANT ON THE APPEAL
		FREE REPORT OF PROCEEDINGS ALLOWED
		CCRCR 0605

**ORIGINAL**  
FILE COPY  
**DO NOT REMOVE**

Case 1:08-cv-01589 Document 16-2 Filed 06/13/2008 Page 20 of 111 Cr-26

Clerk's Office

Appellate Court First District

State of Illinois

160 N. LaSalle FILED

Suite 1400

Chicago, IL 60602 12:37 PM '97

CLERK'S OFFICE  
COURT OF APPEALS

01/16/97 AURELIA PUCINSKI CLERK

Honorable Aurelia Pucinski  
Richard J. Daley Center  
Room 1001  
Chicago, IL 60602

Re: People v. Hendricks, Jerome  
Appellate Court No. 1-95-0474  
Trial Court No. 88CR12517

Dear Honorable Pucinski:

Attached is the Mandate of the Appellate Court in the above entitled cause.

We are sending the attorneys of record a copy of this letter to inform them that the mandate of the Appellate Court has been filed with you.

Gilbert S. Marchman  
Clerk of the Appellate Court  
First District, Illinois

47 JAN 21 AM '97  
AURELIA PUCINSKI  
CLERK

Attachment

cc: All attorneys of record

00039

FIRST DISTRICT

Calvin C. Campbell, Justice

FILED

Robert Chapman Buckley, Justice

JAN 23 12 38 PM '97

HONORABLE EVERETTE A. BRADEN, Justice

CLERK'S OFFICE  
CRIMINAL SECTION

Gilbert S. Marchman

Michael F. Sheahan, Sheriff

On the Eighteenth day of November, 1996, the Appellate Court, First District, issued the following judgment:

No. 1-95-0474

PEOPLE OF THE STATE OF ILLINOIS,  
Plaintiff-Appellee,  
v.  
JEROME HENDRICKS,  
Defendant-Appellant.

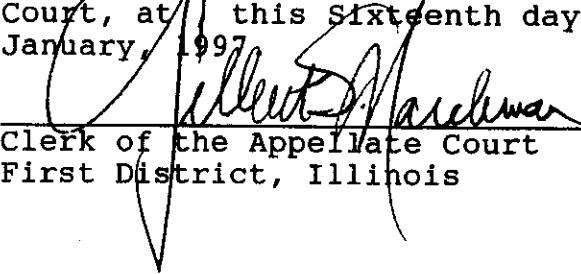
Appeal from Cook County  
Circuit Court No. 88CR12517

AURORA  
APR 21 1997  
ILLINOIS  
APPELLATE COURT  
CLERK'S OFFICE  
CRIMINAL SECTION

As Clerk of the Appellate Court, in and for the First District of the State of Illinois, and the keeper of the Records, Files and Seal thereof, do certify that the foregoing is a true copy of the final order of said Appellate Court in the above entitled cause of record in my office.



IN TESTIMONY WHEREOF, I have set my hand  
and affixed the seal of said Appellate  
Court, at this Sixteenth day of  
January, 1997

  
Clerk of the Appellate Court  
First District, Illinois

666046

FILEDNOTICE

The text of this order may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the same.

JAN 29 12 37 PM '97  
CLERK OF THE COURT  
CRIMINAL SECTION 8  
NO. 1-95-0474 CLERK  
AURELIA PUCINSKI

IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, ) Appeal from the  
Respondent-Appellee, ) Circuit Court of  
v. ) Cook County.  
JEROME HENDRICKS, ) No. 88 CR 12517  
Defendant-Appellant. ) Honorable  
  ) Leo E. Holt,  
  ) Judge Presiding.

O R D E R

Following a bench trial, defendant Jerome Hendricks was convicted of one count each of first-degree murder, aggravated criminal sexual assault, aggravated kidnapping, kidnapping, unlawful restraint and concealment of a homicidal death. He was sentenced to natural life imprisonment for first-degree murder and a consecutive 30-year term for aggravated criminal sexual assault, with concurrent sentences for the remaining convictions. Defendant's conviction and sentence for first-degree murder were affirmed on direct appeal. People v. Hendricks, 253 Ill. App. 3d 79, 90-2 (1993). Subsequently, defendant filed a pro se petition for post-conviction relief under the Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 et seq. (West 1994)), which the court dismissed as being frivolous, without appointing counsel and this

000041

1-95-0474

Code of Corrections violated his rights to due process and equal protection. Defense counsel moved the court to withdraw as counsel because defendant had alleged the same contentions in his initial post-conviction petition. Defense counsel did not file a certificate pursuant to Supreme Court Rule 651(c). The State motioned to dismiss defendant's post-conviction petition, arguing that his claims were res judicata and waived, and the court granted the State's motion.

A proceeding under the Act is not a direct appeal; it serves as a collateral attack on a judgment of conviction, and it is limited to constitutional issues which have not been, and could not have been, presented on direct review. People v. Flores, 153 Ill. 2d 264, 274 (1992). In such a proceeding, defendant has the burden of showing a substantial denial of his constitutional rights. People v. Odle, 151 Ill. 2d 168, 172 (1992). Furthermore, a defendant is not entitled to an evidentiary hearing unless the allegations in the post-conviction petition are supported by affidavits and the record in the case and show a substantial violation of his constitutional rights. People v. Franklin, 167 Ill. 2d 1, 9 (1995). A reviewing court will not disturb a circuit court's determination unless it is manifestly erroneous. Franklin, 167 Ill. 2d at 9.

Supreme Court Rule 651(c) requires court-appointed counsel to file with the record some showing that he has consulted with the petitioner to understand his contentions, has examined the record

APPELLATE COURT FIRST DISTRICT  
State of Illinois  
160 N. LaSalle, Suite 1400  
Chicago, Illinois 60601

ORIGINAL  
FILE COPY  
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01/10/94

Honorable Aurelia Pucinski  
Circuit Court of Cook County  
Chicago, Illinois

Re: People v. Hendricks, Jerome  
Appellate Court No.: 1-91-2922  
Trial Court No. 88CR12517

Dear Ms. Pucinski:

Attached is the Mandate of the Appellate Court in the above entitled cause.

We are sending the attorneys of record a copy of this letter to inform them that the mandate of the Appellate Court has been filed with you.

Gilbert S. Marchman  
Clerk of the Appellate Court  
First District, Illinois

Attachment

cc: All attorneys of record

000043

FIRST DISTRICT

Hon. Calvin C. Campbell, Justice

Hon. Blanche M. Manning, Justice

Hon. Robert Chapman Buckley, Justice

Gilbert S. Marchman, Clerk

Michael F. Sheahan, Sheriff

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On the Seventh day of September, 1993, the Appellate Court, First District, issued the following judgment:

No. 1-91-2922

PEOPLE OF THE STATE OF ILLINOIS,  
Plaintiff-Appellee,  
v.  
JEROME HENDRICKS,  
Defendant-Appellant.

APPEAL FROM COOK COUNTY  
Circuit Court No. 88CR12517

FILED

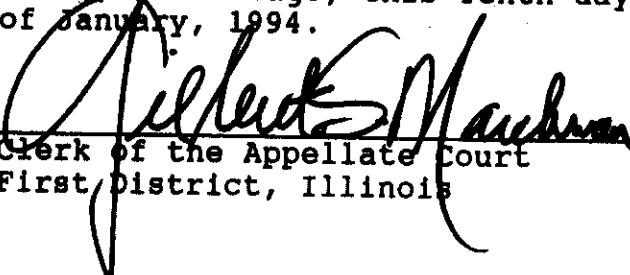
JAN 12 1994

AURELIA PRUSINSKI  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

The judgment of the Circuit Court of Cook County is AFFIRMED.

As Clerk of the Appellate Court, in and for the First District of the State of Illinois, and the keeper of the Records, Files and Seal thereof, I certify that the foregoing is a true copy of the final order of said Appellate Court in the above entitled cause of record in my office.

IN TESTIMONY WHEREOF, I have set my hand  
and affixed the seal of said Appellate  
Court at Chicago, this Tenth day  
of January, 1994.

  
\_\_\_\_\_  
Clerk of the Appellate Court  
First District, Illinois

FIRST DIVISION  
SEPTEMBER 7, 1993

## FILED

NOTICE

The text of this opinion may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the same.

JAN 12 1994  
AURELIA PUCINSKI  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

No. 1-91-2922

THE PEOPLE OF THE STATE OF ILLINOIS, ) APPEAL FROM THE  
Plaintiff-Appellee, ) CIRCUIT COURT  
v. ) OF COOK COUNTY.  
JEROME HENDRICKS, )  
Defendant-Appellant. ) HONORABLE  
  ) LEO HOLT,  
  ) JUDGE PRESIDING.

JUSTICE CAMPBELL delivered the opinion of the court:

Following a bench trial in the circuit court of Cook County, defendant Jerome Hendricks was found guilty of first degree murder, aggravated criminal sexual assault, aggravated kidnapping, kidnapping, unlawful restraint and concealment of a homicidal death. Defendant was sentenced to natural life imprisonment for murder plus concurrent sentences for the remaining offenses, the longest of which was 30 years imprisonment for criminal sexual assault. These sentences run consecutively to the natural life sentence.

The record on appeal indicates the following facts. Before trial, defendant moved to quash his arrest and suppress statements he made to the authorities following that arrest. Following a hearing, the trial court denied this motion. The testimony elicited during the pretrial hearing will be discussed below as necessary.

On cross-examination, Ms. Hill denied that she had ordered Denise J. off the porch or that the two fought thereafter. She also denied that Denise J. was a runaway or that she had told the police this.

James Hill, another cousin of Denise J., testified that on the morning of August 2, 1988, he drove his mother to Ms. Hill's home. Mr. Hill testified that after arriving, he saw defendant coming down the street. Mr. Hill asked defendant whether he had seen Denise J. Defendant stated that he had not. Mr. Hill told defendant that Ms. Hill and McCoy had seen him with Denise J. and described Denise J. Defendant indicated that he had seen Denise J. on his porch at 9:30 p.m. with his nephew. According to Mr. Hill, defendant later told him that defendant had seen Denise J. on 119th Street and told her to go home.

Michael Walker testified that he was approached by defendant on August 2, 1988. According to Walker, defendant told him that the police were looking for defendant. Walker testified that defendant wanted him to say he was with defendant on the night Denise J. disappeared. Walker indicated that he had not been with defendant; rather, he had been searching for Denise J. that evening.

On cross-examination, Walker admitted that he was close to McCoy and Denise J.'s family. Walker admitted that he said nothing of his conversation with defendant to either the police or Denise J.'s family until after defendant was arrested and placed in custody. Walker further admitted that he had been convicted twice for selling cocaine and was currently in prison.

the garage where the body was discovered can be seen from the front porch of the building where Denise J. had been at the time of her disappearance.

Doctor Mary Jumbelic, a forensic pathologist, testified that she performed an autopsy on the body on August 9, 1988. Dr. Jumbelic indicated that the girl's pants were unbuttoned, unzipped and pulled down slightly. Dr. Jumbelic found that the shoelace ligature on the neck measured three inches in diameter, indicating that the shoelace had been pulled extremely tight. Grooves from the shoelaces were also found on the wrists. Dr. Jumbelic was unable to determine whether a sexual assault had taken place, due to the decomposition and tissue loss in the genitalia area. Dr. Jumbelic opined that the death was caused by strangulation.

On cross-examination, Dr. Jumbelic indicated that auto-eroticism -- the practice of tying something around one's neck to enhance a sexual experience -- is not seen often among females. Dr. Jumbelic indicated that she had never heard of a case involving a female.

Area Two Violent Crimes Detective Lawrence Nitsche also testified for the State. The parties also stipulated to Detective Nitsche's testimony from the pretrial motion to quash and suppress, much of which is detailed here. Nitsche testified that he was assigned to investigate the Denise J. homicide the afternoon the body was discovered. Nitsche spoke to Ms. Hill and McCoy, who told him substantially those things to which Ms. Hill testified at trial. In particular, McCoy told Detective Nitsche

police officers conflicted with the testimony of defendant and his family regarding the circumstances of his arrest. It is noted at this juncture that the trial court determined that the police effected a warrantless, nonconsensual arrest in defendant's home, but that the arrest was valid because it was supported by probable cause.

At trial, Detective Nitsche testified that he conducted an initial interview with defendant at Area Two Police Headquarters on the evening of August 8, 1988. Defendant told Detective Nitsche that between 6 p.m. and 9 p.m. of the night at issue, he was at his friend Tom's home, which was across the street from his own home. After returning home for a short time, he went to Pullman Park, where he met Walker and a woman. Defendant then went to the Everett White School playground, where he drank and played basketball until 4:30 a.m. According to Detective Nitsche, defendant never indicated that he saw Denise J. on the night of her disappearance.

Detective Michael Baker testified that defendant was then taken for an interview at 11th and State and later returned to Area Two Police Headquarters for a third interview. Detective Baker testified that during the third interview, defendant admitted that he talked to Denise J. on the night of her disappearance. Defendant told Detective Baker that Denise J. went to get ice cream for defendant and that he later saw Denise J. in front of his house talking to his nephew. Defendant then went to play basketball at the Everett White School. Defendant indicated he played basketball with someone named "Shorty Mac" and walked

further indicated that while she appeared in court, the case was dismissed.

Stephanie Smith testified that she lived at 7416 Phillips in September 1984. On September 3, 1984, Smith saw defendant standing inside the building as she entered. Smith testified that as she walked up the stairs, defendant grabbed her from behind, dragged her into a basement apartment and put her in a closet for ten to fifteen minutes. Smith testified that defendant forcibly raped her after removing her from the closet.

Smith testified that she was fifteen years old at the time and that she told defendant this. Smith indicated that as she left the apartment, defendant grabbed her around the neck and threatened to kill her if she told anyone what had happened.

The trial court indicated that he would consider the testimony of Williams and Smith only to the extent of similarities to the case on trial.

Defendant called Chicago Police Youth Officer Steve Matkovich, who testified that on August 2, 1988, he began investigating Denise J.'s disappearance as a missing persons case. Officer Matkovich's report indicated that he had spoken with Ms. Hill as part of that investigation. The report indicated that Ms. Hill stated that she had an "altercation" with Denise J. regarding defendant before Denise J. disappeared.

Estelle Fields, Denise J.'s legal guardian, testified that she spoke with a youth officer on August 3, 1988 regarding Denise J.'s disappearance. Fields denied telling this officer that Denise J. had previously run away from home and denied that

defendant and Denise J. The trial court further found defendant guilty of aggravated kidnapping, kidnapping, unlawful restraint and concealment of a homicidal death. Defendant was found not guilty of criminal sexual assault based upon the use of force.

The trial court later denied defendant's post-trial motion.

Subsequently, the trial court found defendant eligible for a death sentence because defendant committed murder in the course of a criminal sexual assault and aggravated kidnapping. At a hearing regarding aggravating and mitigating factors, the State introduced evidence that the offenses were committed while defendant was on parole. The State also had Fields testify as to the impact of the murder upon her and her family. Defendant presented no witnesses in mitigation. The trial court ultimately sentenced defendant to natural life imprisonment for murder plus concurrent sentences for the remaining offenses, the longest of which was 30 years imprisonment.

Defendant timely filed a notice of appeal to this court.

I

Defendant initially contends that the trial court erred in denying his motion to quash his arrest and suppress evidence. The trial court indicated that the warrantless arrest of defendant in his home was nonconsensual, in violation of Payton v. New York (1980), 445 U.S. 573, 63 L. Ed. 2d 639, 100 S. Ct. 1371. The trial court nevertheless ruled that defendant's statement was admissible because the statement was not given in defendant's home and the arrest was supported by probable cause. (See New York v. Harris (1990), 495 U.S. 14, 109 L. Ed. 2d 13, 110 S. Ct.

knowledge, even if it is not within the personal knowledge of the arresting officer. See People v. Fenner (1989), 191 Ill. App. 3d 801, 806, 548 N.E.2d 147, 151.

Defendant does not dispute that the record establishes that at least one very serious violent crime occurred in this case. The record indicates that at the time of defendant's arrest, Detective Nitsche had information from Mr. Hill that defendant had initially stated that defendant had not seen the victim, but defendant's statement was not consistent with later conversations between defendant and Mr. Hill and information Nitsche had received from Ms. Hill, McCoy and Townsend. Nitsche had information suggesting that defendant was one of the last persons to see the victim alive on the night of her disappearance. Nitsche had information from McCoy that defendant "had been arrested before for doing something with a girl."

This information prompted Nitsche to conduct a background check of defendant that revealed defendant was on parole from a conviction for criminal sexual assault. Nitsche learned that the case had elements of strangulation and sexual molestation. Other entries on defendant's "rap sheet" alerted Nitsche to another prior arrest for criminal sexual assault. The complainant in this prior instance had lived at 251 West 117th Street. In this case, the victim's body was discovered in a garage at 251 West 117th Street. The record shows this garage was next door to defendant's abode. Given these factors, the police were entitled to more than a mere suspicion that defendant committed the crimes with which he was charged.

circumstantial evidence must be based on proof of a conclusive nature that tends to lead to a satisfactory conclusion and produces a reasonable and moral certainty that defendant and no one else committed the crime. (People v. Williams (1977), 66 Ill. 2d 478, 484-85, 363 N.E.2d 801, 804.) This court will not disturb a guilty verdict unless the evidence is so improbable or unsatisfactory that it raises a reasonable doubt as to defendant's guilt. People v. Brandon (1990), 197 Ill. App. 3d 866, 874, 557 N.E.2d 1264, 1269.

In this case, Assistant State's Attorney Democopolous read the written statement she took from defendant on August 9, 1988. In the statement, defendant admitted having sex with the victim in the garage next door to his home. Defendant stated that the victim's shirt was pulled over her head during the intercourse. Defendant stated that the victim pulled the shirt over her head and further encouraged him to pull on something around her face, which may have been a shoelace. Defendant stated that the victim did not accompany him when he left the garage. Defendant indicated that after hearing complaints from his family about an odor coming from the garage he returned to the garage and found the victim with her shirt "still in the same position over her head."

The record in this case also indicates that defendant gave Hill and the police varying accounts of the events of the evening at issue; each of these tended to be more inculpatory than the last. The record indicates that the day after the victim disappeared, defendant asked Walker to fabricate an alibi for defendant. The record further contains the testimony of two women

and subnormal tendencies; and (4) natural inclination or aversion to commit crime. People v. Henderson (1988), 175 Ill. App. 3d 483, 490, 529 N.E.2d 1051, 1055.

In this case, the trial court was aware that defendant was on parole for a criminal sexual assault where defendant had grabbed the then-fifteen year old victim by the neck and threatened her with death if she told anyone of the assault. The trial court heard evidence that defendant sexually assaulted yet another woman while pulling on the rope he had wrapped around her neck and threatening to kill her. Given the record on appeal, such evidence is relevant to an assessment of whether defendant showed abnormal tendencies or a natural inclination to commit crime. We also note that defendant presented no witnesses in mitigation in this case.

This court has previously stated in a case involving the rape and murder by strangulation of a 75 year old woman that the trial court was "incontestably justified" in imposing a natural life sentence. (People v. Cole (1988), 168 Ill. App. 3d 172, 185, 522 N.E.2d 635, 643.) Defendant has offered no compelling reason why a similar conclusion is not warranted in this case. Defendant states in his brief that "[t]he court's own findings were that no forcible rape occurred." The pages of the record cited by defendant in support of this assertion indicate only that the trial judge stated that he could not find that a forcible rape occurred beyond a reasonable doubt due to the decomposition of the body before it was discovered. The trial judge indicated that it was just as likely that defendant murdered the

Defendant's contention that this reasoning, taken to its extreme, would allow trial judges to select a determinate year sentence in contravention of other sections of the Unified Code of Corrections is unpersuasive. The statutory scheme contains standards that determine whether a defendant receives less than an extended term sentence. Where a murder is accompanied by brutal and heinous behavior indicative of wanton cruelty, an extended term or natural life sentence is appropriate, depending on the aggravating and mitigating factors presented in a given case. Defendant's contention that these factors should only be used in determining whether to sentence a defendant to between 60 and 100 years is made without citation to authority and is not supported by case law. Thus, defendant has failed to show that section 5-8-1(a)(1) is unconstitutional.

For all of the aforementioned reasons, we affirm the judgment of the circuit court of Cook County.

Affirmed.

MANNING, P.J., and BUCKLEY, J., concur.

## OFFICE OF THE CIRCUIT COURT CLERK OF COOK COUNTY



DOROTHY BROWN  
CLERK OF THE COURT

CRIMINAL BUREAU  
CRIMINAL DIVISION  
Room 526  
2650 S. California Ave.  
Chicago, Illinois 60608  
(773) 869-3141  
FAX (773) 869-4444

Date: March 22, 2005

Jerome Hendricks #N-53807  
Menard C.C.  
P.O. Box 711  
Menard, IL 62259

Case Number: 88CR12517-01

Dear Jerome Hendricks,

Please be advised that on 3/15/05,  
 The Honorable Judge Wilbur L. Crooks denied  
 your motion ~~to Vacate Plea, Finding,  
 Verdict - Previous Conviction Stand.~~

If you have any further questions or requests, please  
 feel free to notify our office.



Sincerely,

CRIMINAL DIVISION  
MOTION DEPARTMENT

COMMENTS: 8/26/91. Off Call.

## MISSION STATEMENT

The mission of the office of the Clerk of the Circuit Court of Cook County is to serve the citizens of Cook County with the purpose and in the system in a timely, efficient and ethical manner. All services, information and court records will be provided with courtesy and respect.



## NOTIFICATION OF MOTION

Date Received 2-15-05Date to be heard 2-28-05Defendant's Name Jerome HendricksCase No. 88-12517-01Before Judge HoltRoom 306 (6) Motion for Corrected Mitt - Credit1716 Motion for Trial Transcript and Correction Law Record Petition to Withdraw Guilty Plea and Vacate Sentence Motion for Leave to Proceed in Fonsia Pauperis Motion to Correct Mitt9999 Motion to Reconsider/Reduce Sentence388 Motion for Appointment of Counsel Motion for Habeas Corpus Writ Petition for Relief of JudgmentOther Adverse judgement & motion to vacate  
Adverse judgement2-23-05

X Date Entered in Computer

Date file was received from warehouse

File was not located in Office

Where was file forwarded

File in Courtroom

 2-18-05Check mark if the file was ordered from  
the warehouse and enter the date ordered

Date file was forwarded

PDR 95



Attorney's Name \_\_\_\_\_

Attorney's Code \_\_\_\_\_

IN THE  
CIRCUIT COURT  
COOK COUNTY

Jerome Hendricks

Plaintiff,

v.

People of the State Ill.

Defendant

)  
)  
)  
)  
Case No. 88-CR-12517

**PROOF/CERTIFICATE OF SERVICE**

TO: Dorothy Brown  
Circuit Clerk  
Office,  
2650 So. California

TO: Dick Devine  
States Attorney  
Office,  
2650 So. California

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE TAKE NOTICE that on Feb 6<sup>th</sup> 2005, I have placed the documents listed below in the institutional mail at menard Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service: Dorothy Brown Circuit Clerk Office  
Dick Devine States Attorney Office.

*RECEIVED*  
FEB 6 2005  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

DATE: Feb - 6 Feb 2005

/s/ Jerome Hendricks  
NAME: Jerome Hendricks  
IDOC#: N-53807  
menard Correctional Center  
P.O. BOX 14  
menard, IL 62259

*CC: 656*

IN THE  
CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS )  
Respondant,  
)  
vs.  
) No. 88 CR 12517  
)  
JEROME HENDRICKS,  
Petitioner.  
)

**MOTION FOR ADVERSE JUDGMENT, AND  
MOTION TO VACATE ADVERSE JUDGMENT**

NOW COMES, Jerome Hendricks, Petitioner Pro se, and moves this Honorable Court to give petitioner notice of any adverse judgments, and vacate judgment pursuant to 735 ILCS 5/2-1401 & Supreme Court Rule 651(b).

In support of this motion petitioner states the following:

1. On January 3, 2005, I received a letter from APD Lindsey Huge stating that my petition was dismissed on October 15, 2003. Upon this time this counselor nor clerk had contacted me upon the courts opinion of the dismissal of my petition. After several calls to counselor, counselor still didn't send me a letter of the petition being dismissed for over a year passed 2005.

This is in violation of Supreme Court Rule 651(b):

Upon the entry of a judgment adverse to a petition in a post-conviction proceeding, the clerk of the court shall at once mail or deliver to petitioner a notice in substantially.

The courts decision should be void. See, People v. Robinson, 278 Ill. Dec. 629, 799 N.E.2d 345. If a defendant does not receive a notice of the circuit courts dismissal of a petition

RECEIVED  
FEB 1 2005  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

000658

within ten (10) days the courts order (is) would be void.

The petition should be reinstated and returned to the circuit court for further proceedings.

/s/

*Jerome Hendricks*

Jerome Hendricks, pro se  
IDOC No. N-53807  
Menard Correctional Center  
P.O. Box 711  
Menard, IL 62259-0711

RECEIVED  
FEB 11 2005  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

000658



Law Office of the  
**COOK COUNTY PUBLIC DEFENDER**

POST CONVICTION UNIT • 69 WEST WASHINGTON • 15<sup>TH</sup> FLOOR • CHICAGO, IL 60602 • (312) 603-0600  
Edwin A. Burnette • Public Defender

January 3, 2005

Jerome Hendricks  
No. N-53807  
PO Box 711  
Menard, IL 62259

Jerome:

You have called and written concerning your post-conviction petition.

I presented and argued your petition--which was a successive, duplicate petition--before Judge Holt in October of 2003. He dismissed the petition. I believe the date of the dismissal was October 15, 2003.

You should have been notified by me and/or the Clerk of the Court as to the disposition of your case. I usually send a letter, but it must have not gotten to you.

If you wish to appeal the court's dismissal of your petition, the time to file your notice of appeal has passed--it was 30 days from the date of dismissal. I do not believe there are valid issues for appeal, but if you wish to try, you might argue for a late notice of appeal based on the fact that you never received notice of the dismissal of your petition.

I wish the outcome of your petition could have differed and I wish you the best,

Sincerely,

Lindsay Hugé  
Assistant Public Defender

RECEIVED  
FEB 1 2005  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

00060

PRO"SE APPEAL.

NO#88 CR12517

MOTION OF ADVERSE JUDGEMENT,

and MOTION to VACATE

ADVERSE JUDGEMENT.

ON'10-15-03, MY POST CONVICTION PETITIONwas dismissed, BYthe HON, LEO HOLT. UPON this dismissal a.p.d. lindsay huge never contacted me upon this dis missal, nor did I receive anything from the clerks office. WHICH IS THE DUTY OF THIER OFFICE.

AFTERWARDS, counselor never putforth a appeal on the dismissal of the petition, WHEN COUNSELOR WAS ASKED WHY HE DID NOT APPEAL THE DISMISSAL. COUNSELOR STATED'HE JUST FOR GOT.

THIS COUNSELOR HAS TAKEN AWAY MY FAIR FIGHT IN THIS COURT. AND ANY FURTHER FIGHT UPON APPEAL. supreme court rule,651 b. also', people v.robinson, 278 ill. dec. 629, 799, n.e. 2d.345.THAT I ASTHE DEFENDANT. should not be held for the incompetence. and shold be given a chance, A FAIR CHANCE, with this court.

ON, 3-15-05. MY MOTION FOR ADVERSE JUDGEMENT and MOTION TO VACATE ADVERSE JUDGEMENT, was denied. by this court without a full view of the motion put before this court, nor was I given a fair chance.

THAT THIS COURT SHOULD LOOK AT THE FACT THAT THIS PETITION WAS DENIED, post conviction petition.

THAT COUNSEL DID NOT NOTIFY ME UPON THE DISMISSAL OF THE PETITION.

WITHIN THE TIME FRAME THE HE SHOULD HAVE. THAT THIS COUNSELOR, DID NOT APPEAL THE DISMISSAL OF THE PETITION EITHER.

FOR THESE REASONS THIS MOTION FOR ADVERSE JUDGEMENT andMOTION TO VACATE

PRO"SE, APPEAL

NO#88-CR-12517

ADVERSE JUDGEMENT

and MOTION TO VACATE

ADVERSE JUDGEMENT.

ADVERSE JUDGEMENT SHOULD BE ALLOWED IN THIS COURT AND THAT I SHOULD  
BE GIVEN A RE HEARING UPON THIS MATTER.

SO I PRAY THIS HONORABLE COURT HONOR THIS APPEAL.

00062

In the Circuit Court of the \_\_\_\_\_ Judicial Court,  
Cook County, Illinois.  
 (Or in the Circuit Court of Cook County).

THE PEOPLE OF THE )  
 STATE )  
 OF ILLINOIS )  
 v. )  
HENDRICKS )

No. 88CR 12517

Notice of Appeal

An appeal is taken from the order or judgment described below:

(1) Court to which appeal is taken: Motion for ADVISE - Vacate  
JUDGEMENT.

(2) Name of appellant and address to which notices shall be sent.

Name: PRO SE Defendant Jerome Hendricks

Address: McLoud Cr.C. #5, Box 771

(3) Name and address of appellant's attorney on appeal.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

If appellant is indigent and has no attorney, does he want one appointed? Yes

(4) Date of judgment or order: 3-15-05

(5) Offense of which convicted: Post Conviction - Dismissed

(6) Sentence: Natural Life

(7) If appeal is not from a conviction, nature of order appealed from: \_\_\_\_\_

(Signed) PRO SE Jerome Hendricks

(May be signed by appellant, attorney for appellant, or clerk of circuit court)

66-0683

FILED  
APR 18 2005  
DOROTHY BROWN  
CLERK OF CIRCUIT COURT

**NOTICE OF NOTICE OF APPEAL**

To: Honorable Lisa Madigan  
Attorney General of Illinois  
Springfield, Illinois 62706

Honorable Richard A. Devine  
State's Attorney of Cook County  
Daley Center – Room 573  
Chicago, Illinois 60602

Steve Ravid  
Clerk of the Appellate Court  
160 N. LaSalle 14<sup>th</sup> Floor  
Chicago, Illinois 60601

In re: **People of the State of Illinois**  
**Vs.**

Case Number: Hendricks, Jerome

You are herewith notified pursuant to Rule 606E of the Illinois Supreme Court, effective January 1, 1967, a Notice of Appeal was filed with the clerk of the Circuit Court of Cook County, Criminal Division, on 4-18-05.

Submitted by: Dorothy B  
Clerk of the Circuit Court of Cook County

State of Illinois )  
                    )  
                    ss  
Cook County   )

I, Dorothy Brown, Clerk of the Circuit Court of Cook County, County Department, Criminal Division, certify that the foregoing Notice and Copy of the Notice of Appeal attached thereto was served upon each of the above named persons by personal service and/or by depositing same in the United States Mail Depository in a sealed envelope, first class postage pre-paid, addressed to the named persons on 4-18-05.

Dorothy B  
CLERK OF THE CIRCUIT COURT OF COOK COUNTY

In the Circuit Court of the Judicial Court,  
COOK County, Illinois.  
(Or in the Circuit Court of Cook County).

THE PEOPLE OF THE )  
STATE )  
OF ILLINOIS )  
v. )  
) )  
HENDRICKS )

No. 88CR 12517

FILED  
APR 18 2005  
DOROTHY BROWN  
CLERK OF CIRCUIT COURT

Notice of Appeal

An appeal is taken from the order or judgment described below:

(1) Court to which appeal is taken: Motion for Adverse-Vacate  
JUDGEMENT.

(2) Name of appellant and address to which notices shall be sent.

Name: PRO SE Defendant Jerome Hendricks  
Address: McLoud Cr., #5, Box 711

(3) Name and address of appellant's attorney on appeal.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

If appellant is indigent and has no attorney, does he want one appointed? Yes

(4) Date of judgment or order: 3-15-05

(5) Offense of which convicted: Post Conviction - Dismissed

(6) Sentence: Natural Life

(7) If appeal is not from a conviction, nature of order appealed from: \_\_\_\_\_

(Signed) Pro Se Jerome Hendricks

(May be signed by appellant, attorney for appellant, or clerk of circuit court)

06065

to sue

James Hendricks

plaintiff,

v.

People of State of Ill.

defendant

) Case No. 88-CR-12517

PROOF/CERTIFICATE OF SERVICE

Dorothy Brown  
Circuit Clerk Office  
2650 So. California

TO: Dick Devine  
STATE ATTORNEY OFFICE  
2650 So. California Ave

Hon. Leo Holt  
Hon. William E. Crooks

TO: \_\_\_\_\_  
\_\_\_\_\_

PLEASE TAKE NOTICE that on APRIL 11TH, 2005, I have placed the documents listed below in the institutional mail at MENARD, Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service:

rsuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/109, I declare, under penalty of jury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

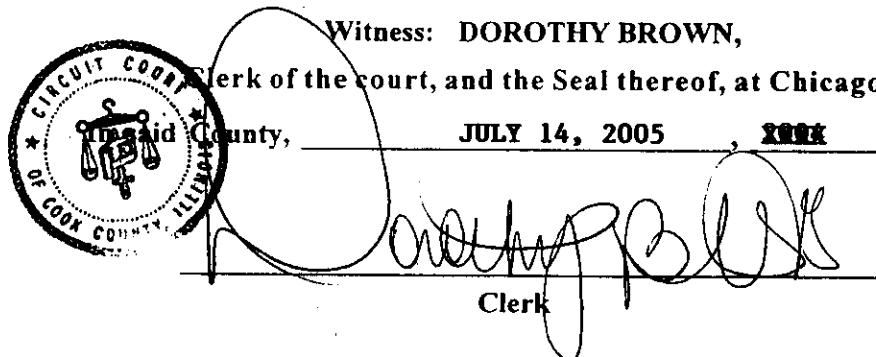
ATE: 4-11-05

James B. Hendricks  
NAME: James B. Hendricks  
IDOC#: N-53807  
MENARD Correctional Center  
P.O. BOX 71  
MENARD, IL 62259

STATE OF ILLINOIS } ss:  
COUNTY OF COOK }

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the above and foregoing to be a true, perfect and complete copy of A ONE VOLUME RECORD CONSISTING OF THE COMMON LAW RECORD; ONLY. NO PRAECLPSE HAVING BEEN FILED PURSUANT TO THE NOTICE OF APPEAL  
FILED IN THE APPELLATE COURT UNDER APPELLATE COURT NO. 05-1223

in a certain cause LATELY pending in said Court, between  
The People of the State of Illinois WERE, Plaintiffs and  
JEROME HENDRICKS WAS, Defendant.



DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

000067

Transcript of Record  
Appeal  
to

APPELLATE

Court of Illinois

FIRST

District

Circuit Court No. 88CR 12517-01

Trial Judge WILBUR E. CROOKS

Reviewing Court No. mm 06-2093

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

FILED  
APPELLATE COURT 1st DIST.

JAN 18 2001

JEROME HENDRICKS

STEVEN M. DAVID  
CLERK

from

CIRCUIT COURT

of

COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, CRIMINAL DIVISION

ONE VOLUME

SUPP: (CERTAIN DOCUMENTS)

S.C.I

DOROTHY BROWN,  
Clerk of the Circuit Court

Per DB/MG

Deputy

UNITED STATES OF AMERICA

State of Illinois ) ss.  
Cook County )

Pleas; before a branch of the Circuit Court of Cook County, in said County and  
State, begun and held at the Circuit Court, in said County, COOK  
TWO THOUSAND  
~~XXVIII~~ and SIX AND OF THE INDEPENDENCE  
OF THE UNITED STATES OF AMERICA, THE TWO HUNDRED AND TWENTY NINTH YEAR.

Present: Honorable PAUL P. BIEBEL, JR.  
Judge of the Circuit Court of Cook County

RICHARD A. DEVINE..... State's Attorney

MICHAEL F. SHEAHAN.... Sheriff of Cook County

DOROTHY BROWN..... Clerk

Attest:

And afterwards, to-wit: on

MAY 5, 2006 , there was RECEIVED and FILED

in the Office of the Clerk of the Circuit Court of Cook County, Illinois. COUNTY DEPARTMENT -  
CRIMINAL DIVISION. A (ONE) VOLUME SUPPLEMENTAL RECORD CONSISTING OF SUPP: CERTAIN DOCUMENTS  
AN INFORMATION GENERAL NUMBER 88CR 12517-01 FOLLOWING TO WIT:

FIRST DIVISION  
SEPTEMBER 7, 1993

NOTICE

The text of this opinion may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the same.

No. 1-91-2922

THE PEOPLE OF THE STATE OF ILLINOIS,	)	APPEAL FROM THE
	)	CIRCUIT COURT
Plaintiff-Appellee,	)	OF COOK COUNTY.
	)	
v.	)	
	)	
JEROME HENDRICKS,	)	HONORABLE
	)	LEO HOLT,
Defendant-Appellant.	)	JUDGE PRESIDING.

JUSTICE CAMPBELL delivered the opinion of the court:

Following a bench trial in the circuit court of Cook County, defendant Jerome Hendricks was found guilty of first degree murder, aggravated criminal sexual assault, aggravated kidnapping, kidnapping, unlawful restraint and concealment of a homicidal death. Defendant was sentenced to natural life imprisonment for murder plus concurrent sentences for the remaining offenses, the longest of which was 30 years imprisonment for criminal sexual assault. These sentences run consecutively to the natural life sentence.

The record on appeal indicates the following facts. Before trial, defendant moved to quash his arrest and suppress statements he made to the authorities following that arrest. Following a hearing, the trial court denied this motion. The testimony elicited during the pretrial hearing will be discussed below as necessary.

At trial, Yolanda Hill testified that she was the 23 year old cousin of Denise J. On August 1, 1988, Ms. Hill lived at 11720 South Princeton in Chicago. Denise J. was 12 years old at that time and lived with Ms. Hill's mother, Estelle Fields.

Ms. Hill testified that Denise J. came over to her house on August 1, 1988, to baby-sit Ms. Hill's children. Denise J. was approximately five feet tall and weighed approximately 100 pounds. According to Ms. Hill, Denise J. arrived wearing a black tank top, white knee pants, white socks and white gym shoes. The shoes were "Princess" brand; the name "Denise" was written in red ink on the outside of the instep of the left shoe.

At 5:15 p.m. on the evening at issue, Ms. Hill, her two children, her housemate Karlene McCoy and Denise J. were all at Ms. Hill's home. Ms. Hill and McCoy went out onto the porch to discover Denise J., who had Ms. Hill's children with her, speaking with defendant. Ms. Hill told defendant he was not welcome on her porch, took her baby from defendant and gave the child to Denise J. Ms. Hill bent over and told Denise J. that defendant had just been released from jail for rape. Denise J. took the baby indoors and went upstairs. Ms. Hill told defendant that Denise J. was 12 years old and was not allowed to speak to any men. McCoy told defendant to leave, which defendant did after arguing with Ms. Hill and McCoy for five to ten minutes.

Later that evening, after Denise J. spoke to Ms. Hill, Denise J. was allowed to go out onto the porch for five minutes. Ms. Hill checked on Denise J. five minutes later; Denise J. had disappeared. Ms. Hill never saw Denise J. alive again.

On cross-examination, Ms. Hill denied that she had ordered Denise J. off the porch or that the two fought thereafter. She also denied that Denise J. was a runaway or that she had told the police this.

James Hill, another cousin of Denise J., testified that on the morning of August 2, 1988, he drove his mother to Ms. Hill's home. Mr. Hill testified that after arriving, he saw defendant coming down the street. Mr. Hill asked defendant whether he had seen Denise J. Defendant stated that he had not. Mr. Hill told defendant that Ms. Hill and McCoy had seen him with Denise J. and described Denise J. Defendant indicated that he had seen Denise J. on his porch at 9:30 p.m. with his nephew. According to Mr. Hill, defendant later told him that defendant had seen Denise J. on 119th Street and told her to go home.

Michael Walker testified that he was approached by defendant on August 2, 1988. According to Walker, defendant told him that the police were looking for defendant. Walker testified that defendant wanted him to say he was with defendant on the night Denise J. disappeared. Walker indicated that he had not been with defendant; rather, he had been searching for Denise J. that evening.

On cross-examination, Walker admitted that he was close to McCoy and Denise J.'s family. Walker admitted that he said nothing of his conversation with defendant to either the police or Denise J.'s family until after defendant was arrested and placed in custody. Walker further admitted that he had been convicted twice for selling cocaine and was currently in prison.

Walker testified that the State had promised only to write a letter to the warden indicating that Walker had testified truthfully in court. Walker indicated that he might receive one month of relocation costs from the state upon his release from prison.

Chicago Police Officer John Fassl testified that on August 8, 1988, he and his partner received a call regarding a suspicious odor coming from a garage at 251 W. 117th Street. Fassl indicated that the garage was located behind an abandoned house at that address. Upon entering the garage, Officer Fassl discovered the body of a young girl in the southeast corner of the garage. The girl was lying on her stomach and her hands were bound behind her back with what appeared to be a set of shoelaces. The girl's pants were unfastened, her bra straps were pulled down and her top was tied around her neck. The girl was wearing her right shoe; the left shoe, found near the girl's head, had the name "Denise" written upon it with a red marker. The shoes were Princess brand.

According to Officer Fassl, the girl's top was tied around her neck at chin level and a shoe lace was tied around her neck near the shoulders. When the body was discovered, there were garbage bags thrown on top of it. Officer Fassl testified that the body was in a high state of decomposition; fluid seeped from the body when it was turned over, there was skin slippage from the face and a large maggot infestation in and around the body and the garbage area.

Officer Fassl also identified a photograph taken from the front porch of 11720 S. Princeton. The photograph indicates that

the garage where the body was discovered can be seen from the front porch of the building where Denise J. had been at the time of her disappearance.

Doctor Mary Jumbelic, a forensic pathologist, testified that she performed an autopsy on the body on August 9, 1988. Dr. Jumbelic indicated that the girl's pants were unbuttoned, unzipped and pulled down slightly. Dr. Jumbelic found that the shoelace ligature on the neck measured three inches in diameter, indicating that the shoelace had been pulled extremely tight. Grooves from the shoelaces were also found on the wrists. Dr. Jumbelic was unable to determine whether a sexual assault had taken place, due to the decomposition and tissue loss in the genitalia area. Dr. Jumbelic opined that the death was caused by strangulation.

On cross-examination, Dr. Jumbelic indicated that auto-eroticism -- the practice of tying something around one's neck to enhance a sexual experience -- is not seen often among females. Dr. Jumbelic indicated that she had never heard of a case involving a female.

Area Two Violent Crimes Detective Lawrence Nitsche also testified for the State. The parties also stipulated to Detective Nitsche's testimony from the pretrial motion to quash and suppress, much of which is detailed here. Nitsche testified that he was assigned to investigate the Denise J. homicide the afternoon the body was discovered. Nitsche spoke to Ms. Hill and McCoy, who told him substantially those things to which Ms. Hill testified at trial. In particular, McCoy told Detective Nitsche

that defendant had been arrested before regarding a sexual matter with a young girl. Detective Nitsche testified that he spoke to a woman named Paula Townsend, who told him that she saw Denise J. speaking with defendant on the night Denise J. disappeared. Townsend heard defendant ask Denise J. "Would that be okay," to which Denise J. responded that it would. Townsend then saw Denise J. walk toward 119th Street and defendant walk toward his home. Detective Nitsche also interviewed Mr. Hill, who told Detective Nitsche about conversations he had with defendant after Denise J.'s disappearance. According to Detective Nitsche, defendant initially told Mr. Hill that he had not seen Denise J. on the night of her disappearance, but later told Mr. Hill that he had seen her on 119th Street and still later told Mr. Hill that he saw her on 117th Street.

As a result of these interviews, Detective Nitsche conducted a background check of defendant. Detective Nitsche learned that defendant was then on parole from a conviction for criminal sexual assault. Detective Nitsche indicated that the victim in that case had been strangled, though apparently not to the point of death. Detective Nitsche also learned that defendant had been arrested for another criminal sexual assault that occurred at 251 W. 117th Street.

Based on this information, Detective Nitsche and other police officers began looking for defendant. The police were unable to find him at home and left a message that they wanted to speak with him. Defendant contacted the police later that evening, which led to defendant's arrest. The testimony of the

police officers conflicted with the testimony of defendant and his family regarding the circumstances of his arrest. It is noted at this juncture that the trial court determined that the police effected a warrantless, nonconsensual arrest in defendant's home, but that the arrest was valid because it was supported by probable cause.

At trial, Detective Nitsche testified that he conducted an initial interview with defendant at Area Two Police Headquarters on the evening of August 8, 1988. Defendant told Detective Nitsche that between 6 p.m. and 9 p.m. of the night at issue, he was at his friend Tom's home, which was across the street from his own home. After returning home for a short time, he went to Pullman Park, where he met Walker and a woman. Defendant then went to the Everett White School playground, where he drank and played basketball until 4:30 a.m. According to Detective Nitsche, defendant never indicated that he saw Denise J. on the night of her disappearance.

Detective Michael Baker testified that defendant was then taken for an interview at 11th and State and later returned to Area Two Police Headquarters for a third interview. Detective Baker testified that during the third interview, defendant admitted that he talked to Denise J. on the night of her disappearance. Defendant told Detective Baker that Denise J. went to get ice cream for defendant and that he later saw Denise J. in front of his house talking to his nephew. Defendant then went to play basketball at the Everett White School. Defendant indicated he played basketball with someone named "Shorty Mac" and walked

out with Michael Walker. Defendant then went to meet his girl friend at 119th Street and Michigan. When defendant returned home early the next morning, family members informed him that the police were looking for him.

After defendant made this statement, Detective Baker went to Pullman Park and the Everett White School, but was unable to find "Shorty Mac," Walker, or anyone who saw defendant at these locations on the night in question.

Detective John Yucaitis testified that on August 9, 1988, he and his partner spoke with the detectives investigating this homicide. Thereafter, Detective Yucaitis and his partner canvassed the area where the body was found. Later that afternoon, Detective Yucaitis and his partner spoke with defendant. Detective Yucaitis told defendant that he did not believe defendant's account of his whereabouts on the night at issue.

According to Detective Yucaitis, defendant stated that he had not told the whole truth because he was on parole for rape and feared that he would not be believed. Defendant then told Yucaitis that on August 3 or 4, 1988, he noticed the odor coming from the garage at 251 W. 117th Street. Defendant entered the garage and noticed the body on the floor. Defendant stated that he did not report his discovery to anyone due to his background.

Detective Yucaitis told defendant that he thought defendant was withholding information and asked whether defendant had sex with the girl. Detective Yucaitis told defendant that tests could be done to determine whether defendant had sex with the girl. Defendant indicated that he wanted to think for awhile, at

which time Detective Yucaitis and his partner left the interview room.

According to Detective Yucaitis, defendant asked to see him later that evening. Defendant asked whether he could get in trouble if he admitted having sex with the girl; Detective Yucaitis responded in the affirmative. Defendant then admitted having sex with the girl, but insisted that it was consensual. Defendant denied ejaculating into the girl. The conversation was then terminated.

Later that evening, Detective Yucaitis returned with Detective Joann Ryan. Detective Yucaitis left the room after defendant indicated that he wanted to speak with Detective Ryan alone.

Detective Ryan testified that defendant told her that the girl had "hit" on him all day on the date at issue. According to defendant, he and the girl had sex near a car parked behind 11720 S. Princeton and that he left afterwards. Defendant told Detective Ryan that the girl then chased him and led him to the garage at 251 W. 117th Street. Defendant stated that the girl hugged him, kissed him and asked that he not tell anyone she had been with him. According to defendant, the girl then took her pants down and pulled her top over her head. Defendant then had vaginal intercourse with the girl from the rear. Defendant told Detective Ryan that the girl had something like a gag that she stuck in her mouth and asked defendant to hold it, pull on it and "ride her like a horse."

According to Detective Ryan, defendant admitted ejaculating in the girl. Defendant stated that the girl again asked him not

to tell anyone what had happened. Defendant stated that he then left for Pullman Park.

Assistant State's Attorney Anna Democopolous testified that she took a handwritten statement from defendant after 10 p.m. on August 9, 1988. This statement was substantially similar to the oral statement defendant gave to Detective Ryan, adding that he did not look back at the girl as he left the garage and knew that she did not leave with him. Defendant also related his discovery of the body several days later. Defendant indicated that the girl and the girl's top were in the same position as when he initially left the garage. Defendant denied killing, raping or secretly confining the girl.

Phyllis Williams testified that on June 30, 1984, she was living at 7416 Phillips. As she left her apartment that day, she saw defendant sitting in the hallway. Williams testified that as she passed the defendant, he grabbed her from behind and put a knife to her neck. Williams testified that defendant then dragged her into his apartment and threw her on a couch.

Williams indicated that defendant then pulled a rope from the side of the couch and wrapped it twice around her neck. Defendant then told her to take a leg out of her pants, after which he twice had forcible intercourse with Williams. Williams testified that during these episodes, defendant pulled on the rope around her neck, threatening to kill her.

On cross-examination, Williams admitted that she went to a game room with defendant after these episodes. Williams indicated that she wanted to get out into the public. Williams

further indicated that while she appeared in court, the case was dismissed.

Stephanie Smith testified that she lived at 7416 Phillips in September 1984. On September 3, 1984, Smith saw defendant standing inside the building as she entered. Smith testified that as she walked up the stairs, defendant grabbed her from behind, dragged her into a basement apartment and put her in a closet for ten to fifteen minutes. Smith testified that defendant forcibly raped her after removing her from the closet.

Smith testified that she was fifteen years old at the time and that she told defendant this. Smith indicated that as she left the apartment, defendant grabbed her around the neck and threatened to kill her if she told anyone what had happened.

The trial court indicated that he would consider the testimony of Williams and Smith only to the extent of similarities to the case on trial.

Defendant called Chicago Police Youth Officer Steve Matkovich, who testified that on August 2, 1988, he began investigating Denise J.'s disappearance as a missing persons case. Officer Matkovich's report indicated that he had spoken with Ms. Hill as part of that investigation. The report indicated that Ms. Hill stated that she had an "altercation" with Denise J. regarding defendant before Denise J. disappeared.

Estelle Fields, Denise J.'s legal guardian, testified that she spoke with a youth officer on August 3, 1988 regarding Denise J.'s disappearance. Fields denied telling this officer that Denise J. had previously run away from home and denied that

Denise J. had ever run away from home. Fields also denied telling the officer that the only interest Denise J. had was boys and that Denise J. was a problem child.

Officer David Kaddigan, testified that on August 7, 1988, he canvassed the area of 105th and State. Officer Kaddigan showed a photograph of Denise J. to two women who told him that they lived at 10537 S. State. According to Officer Kaddigan, these women stated that they saw Denise J. on August 2, 1988. The trial judge ultimately struck this testimony as hearsay.

Youth Officer Daniel Gryzb testified that he was conducting a follow-up investigation on a missing twelve year old. Officer Gryzb testified that he spoke with Estelle Fields, who told him that Denise J. was a problem child. Officer Gryzb denied that Fields also indicated that Denise J. was interested in boys or men.

Another Youth Officer assigned to the missing persons case, Donna Padgurskis, testified that Fields told her that Denise J. had occasionally socialized with older men or boys. However, Fields also told Officer Padgurskis that Denise J. socialized with girls and was not sexually active. According to Officer Padgurskis, Fields stated that Denise J. had previously gone to her grandfather's home without Fields' permission. However, Fields did not tell Officer Padgurskis that Denise J. was a problem child.

Following closing arguments, the trial court found defendant guilty of first degree murder. The trial court also found defendant guilty of criminal sexual assault based on the ages of

defendant and Denise J. The trial court further found defendant guilty of aggravated kidnapping, kidnapping, unlawful restraint and concealment of a homicidal death. Defendant was found not guilty of criminal sexual assault based upon the use of force.

The trial court later denied defendant's post-trial motion.

Subsequently, the trial court found defendant eligible for a death sentence because defendant committed murder in the course of a criminal sexual assault and aggravated kidnapping. At a hearing regarding aggravating and mitigating factors, the State introduced evidence that the offenses were committed while defendant was on parole. The State also had Fields testify as to the impact of the murder upon her and her family. Defendant presented no witnesses in mitigation. The trial court ultimately sentenced defendant to natural life imprisonment for murder plus concurrent sentences for the remaining offenses, the longest of which was 30 years imprisonment.

Defendant timely filed a notice of appeal to this court.

I

Defendant initially contends that the trial court erred in denying his motion to quash his arrest and suppress evidence. The trial court indicated that the warrantless arrest of defendant in his home was nonconsensual, in violation of Payton v. New York (1980), 445 U.S. 573, 63 L. Ed. 2d 639, 100 S. Ct. 1371. The trial court nevertheless ruled that defendant's statement was admissible because the statement was not given in defendant's home and the arrest was supported by probable cause. (See New York v. Harris (1990), 495 U.S. 14, 109 L. Ed. 2d 13, 110 S. Ct.

1640.) Defendant argues that the police lacked probable cause for arrest.

Probable cause for arrest exists where the totality of the circumstances known to the police officers at the time of arrest would lead a reasonably prudent person to believe that the suspect is committing or has committed a crime. The officer must have more than a mere suspicion of guilt, but need not have evidence sufficient to convict the suspect. The decision to arrest relies upon factual and practical considerations of everyday life upon which a reasonable, prudent person (rather than a legal technician) acts. Thus, a trial court's finding of probable cause will not be disturbed unless it is manifestly erroneous. See People v. Cabrera (1987), 116 Ill. 2d 474, 485-86, 508 N.E.2d 708, 712.

Many factors are relevant to a determination of probable cause, including but not limited to: (1) the proximity of defendant's abode to the scene of the crime; (2) information that defendant had committed a similar offense; (3) whether the nature of the offense was both violent and serious; (4) whether defendant was among the last to see the victim alive; and (5) whether it appears that defendant has made false exculpatory statements or offered differing explanations. (See People v. Williams (1992), 230 Ill. App. 3d 761, 776, 595 N.E.2d 1115, 1125 (factors 1 through 4); People v. Tyler (1984), 128 Ill. App. 3d 1080, 1088, 471 N.E.2d 968, 975 (factor 5).) When police officers are working in concert in investigating a crime or possible crime, probable cause may be established from their collective

knowledge, even if it is not within the personal knowledge of the arresting officer. See People v. Fenner (1989), 191 Ill. App. 3d 801, 806, 548 N.E.2d 147, 151.

Defendant does not dispute that the record establishes that at least one very serious violent crime occurred in this case. The record indicates that at the time of defendant's arrest, Detective Nitsche had information from Mr. Hill that defendant had initially stated that defendant had not seen the victim, but defendant's statement was not consistent with later conversations between defendant and Mr. Hill and information Nitsche had received from Ms. Hill, McCoy and Townsend. Nitsche had information suggesting that defendant was one of the last persons to see the victim alive on the night of her disappearance. Nitsche had information from McCoy that defendant "had been arrested before for doing something with a girl."

This information prompted Nitsche to conduct a background check of defendant that revealed defendant was on parole from a conviction for criminal sexual assault. Nitsche learned that the case had elements of strangulation and sexual molestation. Other entries on defendant's "rap sheet" alerted Nitsche to another prior arrest for criminal sexual assault. The complainant in this prior instance had lived at 251 West 117th Street. In this case, the victim's body was discovered in a garage at 251 West 117th Street. The record shows this garage was next door to defendant's abode. Given these factors, the police were entitled to more than a mere suspicion that defendant committed the crimes with which he was charged.

Defendant notes that the Area Two Youth Division, which was investigating the victim's disappearance as a missing persons case, had information that the victim was interested in men, that the victim had run away previously and that two females claimed to have seen the victim alive on August 2, 1988. The record indicates that the Area Two Violent Crimes detectives were not aware of the relevant Youth Division reports at the time of the arrest. Thus, it was not manifestly erroneous to conclude that the Youth Division was not working "in concert" with the Violent Crimes detectives on this case.

II

Defendant contends that the State failed to prove him guilty of murder beyond a reasonable doubt. The relevant inquiry on appeal is whether a rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt, after viewing the evidence in the light most favorable to the prosecution. (People v. Jimerson (1989), 127 Ill. 2d 12, 43-44, 535 N.E.2d 889, 903.) It is axiomatic that determinations of the credibility of witnesses and the weight to be given to their testimony is the function of the trier of fact. Indeed, where the defendant's testimony is the sole evidence of what actually occurred, the trier of fact is not obligated to accept all or any part of that testimony, but may assess the probabilities, the reasonableness of any defense offered and reject any or all of defendant's account in favor of the State's circumstantial evidence of guilt. (People v. Boone (1987), 152 Ill. App. 3d 831, 835, 504 N.E.2d 1271, 1274.) A conviction based upon

circumstantial evidence must be based on proof of a conclusive nature that tends to lead to a satisfactory conclusion and produces a reasonable and moral certainty that defendant and no one else committed the crime. (People v. Williams (1977), 66 Ill. 2d 478, 484-85, 363 N.E.2d 801, 804.) This court will not disturb a guilty verdict unless the evidence is so improbable or unsatisfactory that it raises a reasonable doubt as to defendant's guilt. People v. Brandon (1990), 197 Ill. App. 3d 866, 874, 557 N.E.2d 1264, 1269.

In this case, Assistant State's Attorney Democopolous read the written statement she took from defendant on August 9, 1988. In the statement, defendant admitted having sex with the victim in the garage next door to his home. Defendant stated that the victim's shirt was pulled over her head during the intercourse. Defendant stated that the victim pulled the shirt over her head and further encouraged him to pull on something around her face, which may have been a shoelace. Defendant stated that the victim did not accompany him when he left the garage. Defendant indicated that after hearing complaints from his family about an odor coming from the garage he returned to the garage and found the victim with her shirt "still in the same position over her head."

The record in this case also indicates that defendant gave Hill and the police varying accounts of the events of the evening at issue; each of these tended to be more inculpatory than the last. The record indicates that the day after the victim disappeared, defendant asked Walker to fabricate an alibi for defendant. The record further contains the testimony of two women

regarding their encounters with defendant. A reasonable trier of fact could infer from their accounts that it was defendant's modus operandi to use the threat of strangulation to coerce sex from a woman or to intimidate a woman from revealing a sexual encounter.

Viewing this evidence in the light most favorable to the prosecution, a reasonable trier of fact could conclude that defendant murdered the victim in this case.

### III

Defendant contends that his sentence of natural life imprisonment is excessive. The record indicates that defendant was found eligible for the death penalty. However, the trial court imposed the natural life sentence after finding that this murder "was accompanied by exceptionally brutal and heinous behavior indicative of wanton cruelty." (Ill. Rev. Stat. 1987, ch. 38, par. 1005-8-1(a)(1)(b).) "Heinous" may be defined as hatefully or shockingly evil, grossly bad, enormously and flagrantly criminal; "brutal" may be defined as grossly ruthless, devoid of mercy or compassion, cruel and cold-blooded; "cruelty" may be defined as a disposition to inflict pain and suffering or to enjoy its being inflicted. People v. Hartzol (1991), 222 Ill. App. 3d 631, 651, 584 N.E.2d 291, 306.

The imposition of a sentence falls within the sound discretion of the trial court. The trial judge's decision is entitled to great deference as he or she has had the opportunity to assess the subjective circumstances in each case, including the defendant's: (1) character and demeanor; (2) mentality; (3) abnormal

and subnormal tendencies; and (4) natural inclination or aversion to commit crime. People v. Henderson (1988), 175 Ill. App. 3d 483, 490, 529 N.E.2d 1051, 1055.

In this case, the trial court was aware that defendant was on parole for a criminal sexual assault where defendant had grabbed the then-fifteen year old victim by the neck and threatened her with death if she told anyone of the assault. The trial court heard evidence that defendant sexually assaulted yet another woman while pulling on the rope he had wrapped around her neck and threatening to kill her. Given the record on appeal, such evidence is relevant to an assessment of whether defendant showed abnormal tendencies or a natural inclination to commit crime. We also note that defendant presented no witnesses in mitigation in this case.

This court has previously stated in a case involving the rape and murder by strangulation of a 75 year old woman that the trial court was "incontestably justified" in imposing a natural life sentence. (People v. Cole (1988), 168 Ill. App. 3d 172, 185, 522 N.E.2d 635, 643.) Defendant has offered no compelling reason why a similar conclusion is not warranted in this case. Defendant states in his brief that "[t]he court's own findings were that no forcible rape occurred." The pages of the record cited by defendant in support of this assertion indicate only that the trial judge stated that he could not find that a forcible rape occurred beyond a reasonable doubt due to the decomposition of the body before it was discovered. The trial judge indicated that it was just as likely that defendant murdered the

victim after consensual sex to prevent others from learning of it. The trial court acted within its discretion in imposing the natural life sentence, as it could reasonably conclude that both scenarios involve brutal and heinous behavior indicative of wanton cruelty.

IV

Finally, defendant contends that section 5-8-1(a)(1) of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, par. 1005-8-1(a)(1)) violates his constitutional rights to due process and equal protection of the laws. Defendant contends that because the trial judge may sentence him to either natural life or an extended term upon finding brutal or heinous behavior indicative of wanton cruelty (Compare (Ill. Rev. Stat. 1987, ch. 38, par. 1005-8-1(a)(1) with Ill. Rev. Stat. 1987, ch. 38, par. 1005-8-2(a)(1)), the trial judge's selection of one statutory provision over the other is arbitrary.

Defendant acknowledges that this very issue was decided adversely to his position in cases such as People v. Cartalino (1982), 111 Ill. App. 3d 578, 591-92, 444 N.E.2d 662, 673, but contends that such cases were decided incorrectly. However, defendant also acknowledges that this court has repeatedly affirmed the rationale of Cartalino -- that the statutory aggravating and mitigating factors which the trial court must weigh before imposing any sentence limit the trial court's discretion. E.g., People v. Abernathy (1989), 189 Ill. App. 3d 292, 318, 545 N.E.2d 201, 218-19; People v. Burke (1987), 164 Ill. App. 3d 889, 899-900, 518 N.E.2d 372, 378-79.

Defendant's contention that this reasoning, taken to its extreme, would allow trial judges to select a determinate year sentence in contravention of other sections of the Unified Code of Corrections is unpersuasive. The statutory scheme contains standards that determine whether a defendant receives less than an extended term sentence. Where a murder is accompanied by brutal and heinous behavior indicative of wanton cruelty, an extended term or natural life sentence is appropriate, depending on the aggravating and mitigating factors presented in a given case. Defendant's contention that these factors should only be used in determining whether to sentence a defendant to between 60 and 100 years is made without citation to authority and is not supported by case law. Thus, defendant has failed to show that section 5-8-1(a)(1) is unconstitutional.

For all of the aforementioned reasons, we affirm the judgment of the circuit court of Cook County.

Affirmed.

MANNING, P.J., and BUCKLEY, J., concur.

COOK  
(County)

(Municipal)

DEPARTMENT

Criminal  
(Division)

(District)

People of the State of Illinois

v.

Defendant

JEROME HENDRICKS

ORDER OF SENTENCE AND COMMITMENT TO  
ILLINOIS DEPARTMENT OF CORRECTIONS

} No.

88CR 12517

D.O.C.  
8/1/88

The defendant having been adjudged guilty of committing the offenses enumerated below,

IT IS ORDERED that the defendant JEROME HENDRICKS  
be and he is hereby sentenced to the Illinois Department of Corrections as follows:

8/26/91 THE HONORABLE LEO E. HOLT  
SENTENCED THE DEFENDANT TO A TERM OF NATURAL LIFE  
ON THE CHARGE OF MURDER (CT.1), 30 YEARS ON THE CHARGE OF  
AGGRAVATED CRIMINAL SEXUAL ASSAULT (CT.10) TO RUN CONSECUTIVE TO COUNT  
5 YEARS ON THE CHARGE OF CONCEALMENT HOMICIDAL (CT.12) TO RUN  
INCURRENT WITH COUNT 10 AND CONSECUTIVE TO COUNT 1, AND 15 YEARS  
IN THE CHARGE OF AGGRAVATED KIDNAPPING (CT.14) CONCURRENT WITH  
COUNTS 10&12 AND CONSECUTIVE TO COUNT 1. (1977M143 TO ISSUE  
Mr. Rev. Stat.

Offense	Sentence	Ch.	Sec.	Par.
MURDER (CT.1)	38	38	9	1A(1)
AGGRAVATED CRIMINAL SEXUAL ASSAULT	38	38	12	14B(1)
CONCEALMENT HOMICIDAL DEATH (CT.12)	38	38	9	31A
AGGRAVATED KIDNAPPING (CT.14)	38	38	10	2A(2)

IT IS FURTHER ORDERED that the Clerk of the Court shall deliver a copy of this order to the Sheriff of Cook County.

IT IS FURTHER ORDERED that the Sheriff of Cook County shall take the defendant into custody and deliver him to the Illinois Department of Corrections.

IT IS FURTHER ORDERED that the Illinois Department of Corrections shall take the defendant into custody and confine him in the manner provided by law until the above sentence is fulfilled.

PREPARED BY:

D. Velalyar  
Deputy Clerk

DATED: 8/26/91

BRANCH CT.

104-MARKHAM

ENTER

Judge

CODE #  
235

INSTRUCTIONS

CLERK is requested to insert in the appropriate spaces above (1) each sentence and the conditions thereof, including the condition that the sentence shall run concurrently or consecutively, as the case may be, with other sentences imposed by the court in this case, or other sentences imposed by courts in other cases; and (2) fill in the following information:

Name and address of counsel for defendant \_\_\_\_\_

See Individual Record No. 639537

Illinois Bureau Identification No. \_\_\_\_\_

CLERK OF THE CIRCUIT COURT OF COOK COUNTY

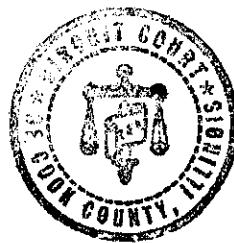
STATE OF ILLINOIS }  
COUNTY OF COOK } ss

I, DOROTHY BROWN Clerk of the Circuit Court of  
Cook County, in said County and State, and Keeper of the Records and Seal thereof, do hereby certify the  
above and foregoing to be a true, perfect and complete copy of . . . A (ONE) VOLUME SUPPLEMENTAL RECORD  
CONSISTING OF CERTAIN DOCUMENTS, ONLY. NO PRAECLPSE HAVING BEEN FILED PURSUANT TO THE  
NOTICE OF APPEAL FILED IN THE APPELLATE COURT UNDER APPELLATE COURT NO. 05-1223 . . .

In a certain cause . . . . . LATELY . . . . . pending in said Court, between  
The People of the State of Illinois . . . . . WERE . . . . . , Plaintiffs and  
JEROME HENDRICKS . . . . . WAS . . . . . , Defendant . . .

Witness: DOROTHY BROWN

Clerk of the court, and the Seal thereof, at Chicago  
In said County, . . . . MAY 5, 2006 . . . . . ~~xxxxxx~~



Dorothy Brown, mg.  
Clerk

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

Transcript of Record  
Appeal  
to

APPEALTE

Court of Illinois  
District

FIRST

Circuit Court No. 88 CR 12517

Trial Judge WILBUR CROOKS

Reviewing Court No. 06-2093

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

**FILED**  
APPELLATE COURT 1st DIST.  
JAN 8 2009

HENDRICKS, JEROME

STEVEN M. RAVID  
CLERK

from

CIRCUIT COURT

of

COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, CRIMINAL DIVISION

ONE VOLUME  
SUPPLEMENTAL RECORD (CERTAIN DOCUMENTS)

**S.C.II**

DOROTHY BROWN,  
Clerk of the Circuit Court

Per \_\_\_\_\_  
**DB/PR**  
Deputy

UNITED STATES OF AMERICA

State of Illinois )

SS.

Cook County )

Please, before a branch of the Circuit Court of Cook County, in said  
County and State, begun and held at the Circuit Court, in said County, COOK  
<sup>FIVE</sup>  
Two thousand and ~~XX~~ AND OF THE INDEPENDENCE OF UNITED STATES  
OF AMERICA, THE TWO HUNDRED AND TWENTY EIGHTH.

Present: Honorable PAUL P. BIEBEL JR.  
Judge of the Circuit Court of Cook County

RICHARD DEVINE

State's Attorney

MICHAEL F. SIEGALLAN

Sheriff of Cook County

DOROTHY BROWN

Clerk

Attest:

And afterwards, to wit: on APRIL 20, 2006, there was ISSUED TO THE Office  
of the Clerk of the Circuit Court of Cook County, Illinois, CRIMINAL DIVISION,  
the following for supplemental record: 88 CR 12517  
(CERTAIN DOCUMENTS)

**ORIGINAL  
FILE COPY  
DO NOT REMOVE**

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS:

IN THE CIRCUIT COURT OF COOK COUNTY  
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS, ) POST CONVICTION NUMBER \_\_\_\_\_  
Respondent. ) INDICTMENT NO.CR-  
vs ) 88 CR 12517  
JEROME HENDRICKS, ) CIRCUIT COURT OF COOK COUNTY,  
PRO SE PETITIONER. ) HONORABLE  
 ) LEO HOLT  
 ) JUDGE PRESIDING

**PRO SE POST CONVICTION PETITION RELIEF**

Petitioner, Jerome Hendricks, comes before the Court and requests leave to file his Pro Se Post Conviction Petition Relief pursuant to the Post-Conviction Act, Illinois Compiled Statutes, Chapter 725, Section 5/122 et seq.

## **GENERAL BACKGROUND**

1. Petitioner Jerome Hendricks was found guilty of these offenses in August of 1991, on a bench trial, First Degree Murder, Aggravated Criminal Sexual Assault, Aggravated Kidnapping, and Concealment of a Homicidal Death.
  2. Petitioner Jerome Hendricks was sentenced to Natural Life Imprisonment for First Degree Murder, plus 30 years, to be served consecutively, for the remaining charges.
  3. Indictment Number 88 CR-12517.
  4. Bench Trial.
  5. Sentence Judge: Honorable Leo Holt.
  6. Sentence date: August 26, 1991.

**ORIGINAL**  
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HISTORY IN THE APPELLATE COURT

NOTICE OF APPEAL

GENERAL BACKGROUNDS

1. A Notice Of Appeal was timely filed on August 28, 1991.
2. His conviction was affirmed by the Illinois Appellate Court, First District, First Division in a published opinion date September 7, 1993.
3. No petition for rehearing was filed.
4. An affidavit of intent to seek further review by the Illinois Supreme Court was filed on September 24, 1993.
5. The Illinois Supreme Court denied the Petitioner rehearing in 1993.
6. The pro se Petitioner are filing a pro se post conviction petition to the Cook County Circuit Court Judge Leo Holt in February of 1994.

NATURE OF THE CASE

The defendant, Jerome Hendricks, was charged under Indictment 88 CR 12517 with the offenses of first degree murder, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, concealment of a homicidal death, and unlawful restraint.

Following a bench trial before the Honorable Leo Holt, Hendricks was convicted of first degree murder, aggravated criminal sexual assault, aggravated kidnapping and concealment of a homicidal death. Hendricks was sentenced to natural life imprisonment for murder, plus 30 years, to be served consecutively, for the remaining charges.

STATEMENT OF FACTS

Jerome Hendricks was indicted for and convicted of first degree murder, aggravated criminal sexual assault, and aggravated kidnapping.

CONSTITUTIONAL VIOLATIONS

1.

JEROME HENDRICKS WAS DENIED DUE PROCESS OF THE LAW UNDER THE UNITED STATES CONSTITUTION , BECAUSE THE POLICE DID NOT HAVE PROBABLE CAUSE TO ARREST HIM.

The trial court erred by ruling that Jerome Hendricks arrest was supported by probable cause. The police had no probable cause to arrest Jerome Hendricks, and his arrest and all evidence flowing from it should have been suppressed.

Following a lengthy pre-trial motion to quash arrest and suppress evidence, the trial court made, as its findings of fact, that Jerome Hendrick was arrested in his home in violation of Payton v. New York, 445 U.S. 573, 100 S. Ct. 1371, 63 L. Ed. 2d 639 (1980).

This determination that probable cause existed was in error and violated Jerome Hendricks right to be free from unreasonable search and seizure. U.S. Const., amends. IV, XIV; Ill. Const., 1970, art. I. sec. 6.

The trial judge ruled this satisfied probable cause, and found no Fourth Amendment violation to exist. This decision was in error.

The Fourth Amendment to the United States Constitution prohibits police from arresting persons on the basis of "mere suspicion."

The knowledge that a defendant was the last person to be seen with the victim does not support a finding of probable cause, but rather remains in the realm of mere suspicion and probability.

Jerome Hendricks, however, was not the last person to be seen with victim Denise. Yolanda Hill testified that she ordered Jerome Hendricks to leave her house, and then ordered Denise to go upstairs.

Jerome Hendricks arrest was not based upon probable cause. The evidence adduced at trial was that Jerome Hendricks was kept in continuous custody until he made a statement. The statement was the fruit of the illegal arrest and must be suppressed.

Wong Sun v. United States, 371 U.S. 471, 83 S. Ct. 407, 9 L. Ed. 2d 441 (1963). It is respectfully requested that the trial court's determination that probable cause existed be reversed, and that the statement and any other evidence obtained as a result of the illegal arrested be suppressed.

CONSTITUTIONAL VIOLATIONS  
2.

JEROME HENDRICKS WAS DENIED A FAIR BENCH TRIAL UNDER THE UNITED STATES CONSTITUTION SIXTH AMENDMENT , HE WAS NOT PROVEN GUILTY OF FIRST DEGREE MURDER BEYOND A REASONABLE DOUBT.

Jerome Hendricks was not proven guilty of first degree murder beyond a reasonable doubt. The State's sole evidence linking Hendricks to Denise Johnson's death was Hendrick's statement, but that statement did not implicate Hendrick's in committing first degree murder.

In the instant case, Jerome Hendricks was convicted of first degree murder based upon circumstantial evidence. There was no evidence linking Jerome Hendricks to the death of Denise Johnson.

As our Supreme Court stated:

The elements of murder which must be established are: The proof of death and the proof of a criminal agency causing death. Both of these elements must be established by evidence beyond a reasonable doubt. After these elements, termed in law the *corpus delicti*, have been proved, then the law requires that the evidence establish beyond a reasonable doubt that the defendant was the criminal agency or put in motion the criminal agency, which caused the death of the victim.

People v. Wilson, 400 Ill. 461, 81 N.E. 2d 211, 220 (1984).

The Seventh Circuit has observed that a verdict must not rest soley on the piling of inference upon inference, but proper judgment must be used to evaluated what reasonably may be inferred from circumstantial evidence. U.S. v. Guzzino, 810 F. 2d 687 (7th Cir.1987).

CONSTITUTIONAL VIOLATIONS

3.

JEROME HENDRICKS NATURAL LIFE SENTENCE VIOLATES DUE PROCESS OF THE LAW AND EQUAL PROTECTION OF THE LAWS UNDER THE UNITED STATES CONSTITUTION EIGHTH AMENDMENT. THE SENTENCE ARE EXCESSIVE.

The trial court abused its discretion in sentencing Jerome Hendricks to natural life in prison without possibility of parole for the offense of first degree murder. The judge ruled that Jerome Hendricks actions were brutal and heinous, but that judgment was in error.

"Heinous" has been defined as " hatefully or shockingly evil.....grossly bad.. enormously and flagrantly criminal". "brutal" has been defined as " grossly ruthless.... devoid of mercy or compassion.....cruel and cold-blooded." People v. LaPointe, 88 Ill. 2d 482, 501. "Cruelty" has been further defined as a "disposition to inflict pain or suffering or to enjoy its being inflicted."

CONSTITUTIONAL VIOLATIONS  
4.

THE ILLINOIS PENALTY STATUTES FOR MURDER VIOLATE DUE PROCESS AND EQUAL PROTECTION BECAUSE THEY ALLOW THOSE WHO ARE FOUND GUILTY OF AN EXCEPTIONALLY BRUTAL OR HEINOUS MURDER TO BE SENTENCED TO EITHER NATURAL LIFE OR AN EXTENDED TERM.

The trial judge sentenced Jerome Hendricks to natural life in prison because he believed the Jerome Hendricks actions were exceptionally brutal and heinous indicative of wanton cruelty.

Jerome Hendricks knows of no way these statutes can be read together so that the application of the statute imposing natural life can be found constitutional. When the existence of the same factor forms the basis for two sentencing schemes, one more favorable to the defendant than the other, defendants have been accorded the benefits of the more favorable sentencing provisions.

See People v. Williams, 60 Ill. 2d 1, 16-17, 322 N.E. 2d 819 (1975).

This favorable treatment should apply here as well. Jerome Hendricks should have received no more than the maximum extended term sentence.

For the reasons given, the Illinois penalty statutes for exceptionally brutal or heinous murders are unconstitutionally arbitrary, disparate, and discriminatory. Because the violation of Jerome Hendricks rights to due process and equal protection is plain (Ill. Rev. Stat., 1987, ch 110A, par. 616(a)), this Honorable Court should remand this matter for resentencing.

PEOPLE OF THE STATE OF ILLINOIS

ORIGINAL  
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Plaintiff

vs.

Pro Se Petitioner

Jerome Hendricks,

Indictment Number 88 CR 12517

---

NOTICE OF FILING

TO: JACK O' MALLEY  
STATE'S ATTORNEY  
309 DALEY CENTER  
CHICAGO, IL 60612

AURELIA PUCINSKI  
CLERK OF THE CIRCUIT COURT OF COOK  
COUNTY, ILLINOIS COUNTY DEPARTMENT  
DEPARTMENT-CRIMINAL DIVISION  
2650 SOUTH CALIFORNIA AVE  
CHICAGO, ILLINOIS 60608

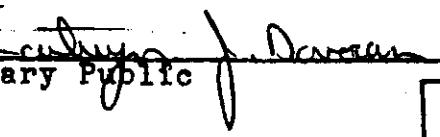
PLEASE TAKE NOTICE that on \_\_\_\_\_, I filed 6 copies  
of my Pro Se Post Conviction Petition  
to the Cook County Circuit Clerk Mrs. Pucinski.

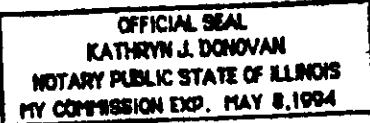
PROOF OF SERVICE

I, the undersigned, being first duly sworn on oath,  
depose and state that on this date I served 6 copies of my  
Pro Se Post Conviction Petition to the Cook County Circuit Court  
Clerk, Mrs. Pucinski.

  
X Pro Se Petitioner

Subscribed and Sworn To  
Before me this 15th day of February, A.D. 1994.

  
Kathryn J. Donovan  
Notary Public



10  
101

STATE OF ILLINOIS ) SS:  
COUNTY OF COOK )**ORIGINAL**  
FILE COPY  
DO NOT REMOVEIN THE CIRCUIT COURT OF COOK COUNTY  
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,	)	POST CONVICTION NUMBER _____
	)	INDICTMENT NO. CR-88 12517
RESPONDENT.	)	CIRCUIT COURT OF COOK COUNTY,
	)	HONORABLE:
VS.	)	<u>LEO HOLT</u>
JEROME HENDRICKS, PRO SE PETITIONER.	)	JUDGE PRESIDING

## APPLICATION TO SUE OR DEFEND AS A POOR PERSON

Applicant, Jerome Hendricks, respectfully requests the Court, pursuant to Illinois Revised Statutes, Ch. 110. Sec. 5-105 and Rule 298 of the Illinois Supreme Court, to grant him leave to defend the above-captioned cause as a poor person. In support of this request, applicant states the following statements are true in substance and in fact:

1. I am the defendant in the above-captioned legal proceeding.
2. I am a poor person and unable to defend this action and am unable to pay the costs, fees, and expenses of this action.
3. My occupation or means of subsistence:
  - (a) I am not currently employed due to my imprisonment at Pontiac Correctional Center, but I do receive a State stipend of \$40.00 per month as a recycling worker.
  - (b) The amount and source of all other income or support are: \_\_\_\_\_
4. My total income for the preceding year was None.
5. The sources and amount of income expected by me hereafter are:  
None: \_\_\_\_\_
6. The nature and current value of my property, real or personal, owned by me:
  - (a) Real Estate: None Value: None
  - (b) Automobile: None Value: None
  - (c) Cash, Savings, Checking Accounts: None
7. No applications for leave to sue or defend as a poor person were filed by me or on my behalf during the preceding year, except as follows;
8. I believe in good faith that I have a meritorious defense.

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STATE OF ILLINOIS ) SS:  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY  
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS, ) POST CONVICTION NUMBER \_\_\_\_\_  
RESPONDENT. ) INDICTMENT NO. CR-88 12517  
VS. ) CIRCUIT COURT OF COOK COUNTY,  
JEROME HENDRICKS, ) HONORABLE:  
PRO SE PETITIONER. ) LEO HOLT  
                      ) JUDGE PRESIDING

---

MOTION TO PROCEED IN FORMA  
PAUPERIS AND TO APPOINT COUNSEL

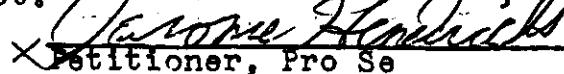
Petitioner, Jerome Hendrick, comes before the Court and respectfully requests that he be permitted to file the attached Petition for a Pro Se Petition in forma pauperis and to proceed in forma pauperis, and to have an attorney appointed to represent him in this proceeding. In support of this request, petitioner states:

1. He is presently incarcerated at the Pontiac Correctional Center, in Pontiac, Illinois 61764.
2. He is without adequate income or assets with which to pay the costs of this litigation or to procure counsel.

WHEREFORE, petitioner prays that he be granted leave to file and to proceed in forma pauperis in the above-captioned Petition for the Petition and to have counsel appointed to represent him this proceeding.

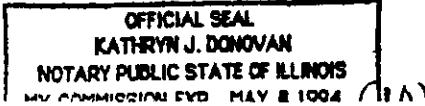
  
X Petitioner, Pro Se

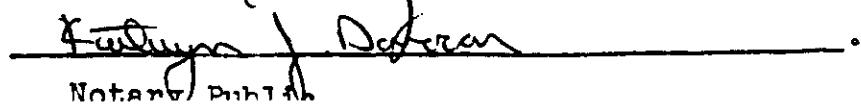
I, Jerome Hendricks, swear that the facts stated in this Motion are true and correct in substance and in fact.

  
X Petitioner, Pro Se

12.

Signed before me this 15th day of February, 1994.



  
Notary Public

STATE OF ILLINOIS)  
COUNTY OF COOK ) SS:

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IN THE CIRCUIT COURT OF COOK COUNTY  
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS, ) POST CONVICTION NUMBER \_\_\_\_\_  
RESPONDENT. )  
VS. ) INDICTMENT NO. CR-88 12517  
JEROME HENDRICKS, ) CIRCUIT COURT OF COOK COUNTY  
PRO SE PETITIONER. ) HONORABLE:  
 ) LEO HOLT  
 ) JUDGE PRESIDING  
 )

A F F I D A V I T

I, Jerome Hendrick, affiant, do solemnly state as follows that:

1. I am the Pro Se Petitioner in the above entitled cause.
2. I have read and understand the attached Pro Se Post Conviction Petition Relief.
3. The Pro Se Post Conviction Petition Relief is true and correct to the best of my knowledge.

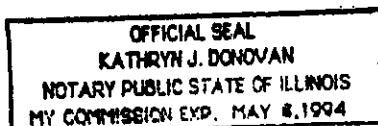
Date: \_\_\_\_\_

  
Signature, Pro Se Petitioner

Subscribed And Sworn To before me this

15th day of July, 1994.

  
Signature of Notary Public



13.

(11)

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STATE OF ILLINOIS )  
COUNTY OF COOK ) SS:

IN THE CIRCUIT COURT OF COOK COUNTY  
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS, ) POST CONVICTION NUMBER \_\_\_\_\_  
Respondent. )  
vs. ) INDICTMENT NO. CR- 88 CR-12517  
JEROME HENDRICKS, )  
PRO SE PETITIONER. ) HONORABLE  
 ) LEO HOLT  
 ) JUDGE PRESIDING

MEMORANDUM IN SUPPORT OF PETITIONER'S POST  
CONVICTION PETITION

The petitioner, JEROME HENDRICKS, pro se, respectfully submits this memorandum in support of his Petition For Post Conviction Relief.

I.

STATEMENT OF FACTS

His name is JEROME HENDRICKS. He has spent more than three (3) years at Pontiac Correctional Center, convicted of these offenses, First Degree Murder, Aggravated Criminal Sexual Assault, Aggravated Kidnapping, and Concealment of a Homicidal Death, sentenced to natural life and plus 30 years imprisonment.

JEROME HENDRICKS was represented by the Office of the Public Defenders.

1. THE POLICE DID NOT HAVE PROBABLE CAUSE TO ARREST JEROME HENDRICKS, AND THE TRIAL COURT THEREFORE ERRED IN DENYING THE MOTION TO QUASH ARREST AND SUPPRESS EVIDENCE.
2. JEROME HENDRICKS WAS NOT PROVEN GUILTY OF FIRST DEGREE MURDER BEYOND A REASONABLE DOUBT.

14 (12)

I.

3. JEROME HENDRICKS SENTENCE OF NATURAL LIFE FOR FIRST DEGREE MURDER WAS EXCESSIVE.
4. THE ILLINOIS PENALTY STATUTES FOR MURDER VIOLATES DUE PROCESS AND EQUAL PROTECTION BECAUSE THEY ALLOW THOSE WHO ARE FOUND GUILTY OF AN EXCEPTIONALLY BRUTAL OR HEINOUS MURDER TO BE SENTENCED TO EITHER NATURAL LIFE OR AN EXTENDED TERM.

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DO NOT REMOVE****STATEMENT OF FACTS**

2.

JEROME HENDRICKS WAS NOT PROVEN GUILTY OF FIRST DEGREE MURDER BEYOND A REASONABLE DOUBT.

1. When looking at the evidence in a light most favorable to the prosecution, there is no proof beyond a reasonable doubt that JEROME HENDRICKS committed first degree murder.
2. Proof of the other offenses does not logically infer proof of murder,
3. There was no real hard evidence linking JEROME HENDRICKS to the death of Denise Johnson.
4. The medical examination could not reveal the date of Denise Johnson death in JEROME HENDRICKS case.

See: People v. Weinstein, 35 Ill. 2d 467, 220, N.E. 2d (432) 1966.

The prosecution has the burden of proving beyond a reasonable doubt all the material and essential facts constituting the crime.

The burden of proof never shifts to the accused, but remains the responsibility of the prosecution throughout the trial.

The prosecution in defendant JEROME HENDRICKS case have basis his case upon all kind of reasonable doubts that constitutes defendant JEROME HENDRICKS a new trial.

Basis upon entirely circumstantial evidence, was not sufficient to prove defendant JEROME HENDRICKS guilty beyond a reasonable doubt.

Petitioner's JEROME HENDRICKS conviction must be reversed because there was a grave and substantial doubt that exists both as to the criminal agency and the cause of death of Denise Johnson.

See: People v. Martin, 26 Ill. 2d 547, 188 N.E. 2d 4 (1963)  
Murder conviction reversed where grave and substantial doubt exists both as to the criminal agency and the cause of death.

STATEMENT OF FACTS

3.

JEROME HENDRICKS SENTENCE OF NATURAL LIFE FOR FIRST DEGREE MURDER  
WAS EXCESSIVE.

1. While the death of a girl by strangulation is tragic and deserving of punishment, the facts do not support a sentence of natural life imprisonment.
2. The medical evidence suggests nothing except strangulation.
3. The court's own finding were that no forcible rape occurred.
4. The evidence against JEROME HENDRICK does not satisfy the definitions for heinous, brutal or cruel.

See: People v. Barnes, 107 Ill. App. 3d 262, 437 N.E. 2d 848 (1st Dist. 1982) The defendant was convicted of murder for the strangulation of his girl friend. The conviction was based primarily upon defendant's statement in which he admitted causing the death; however, in the same statement, he also claimed that he and the girl friend became involved in an altercation, he thought she was reaching for a knife, he threw an iron at her, and the electrical cord wrapped around her neck. A pathologist testified that the mark on the deceased's neck was "most likely made by hand as opposed to a string or cord". Conviction reversed and remanded..

The trial judge findings only referred to aggravation and made no mention of the mitigation evidence at JEROME HENDRICKS sentencing hearing.

People v. Goodman, 98 Ill. App. 3d 743, 424 N.E. 2d 663(2d Dist.1981). The defendant was convicted for murder and was sentenced to a term of natural life. At the sentencing hearing evidence in mitigation(i.e. defendant's alcoholic treatment and heavy drinking at the time of the crime) was presented, but the trial judge's findings only referred to aggravation and made no mention of the mitigation evidence.

The Illinois Appellate Court held that in this circumstance the record failed to adequately demonstrate that the trial judge considered the proper criteria in imposing sentence. Sentence vacated and remanded for a new sentencing hearing.

(15)11

STATEMENT OF FACTS

4

THE ILLINOIS PENALTY STATUTES FOR MURDER VIOLATES DUE PROCESS AND EQUAL PROTECTION BECAUSE THEY ALLOW THOSE WHO ARE FOUND GUILTY OF AN EXCEPTIONALLY BRUTAL OR HEINOUS MURDER TO BE SENTENCED TO EITHER NATURAL LIFE OR AN EXTENDED TERM.

1. Because the violation of JEROME HENDRICKS rights to due process and equal protection of the law, his natural life sentence must be vacated.
2. The trial judge's comments infected the sentencing process in JEROME HENDRICK case.
3. There was no real evidence of any premeditation of this murder on the behalf of JEROME HENDRICK.
4. There was no unnecessary pain or torture involved in this murder case of JEROME HENDRICKS.
5. The circumstantial evidence convinced the judge that JEROME HENDRICKS was guilty of murder, but of murder which did not occur as part of rape.
6. The pathological testimony was that death was due to strangulation.
7. There was no evidence of any gunshot wounds, stab wounds, fractures, or even bruises to the deceased body.

In addition, due process and the Eighth Amendment of the United States Constitution require that relevant facts and circumstances be considered before the defendant is permanently removed from society;

Lockett v. Ohio, 438 U.S. 586 (1978), Woodson v. North Carolina, 428 U.S. 280(1976)

The Supreme Court in Woodson stated that the State's power to punish under the Eighth Amendment must be "exercised within the limits of civilized standards." 428 U.S.

In Lockett, the Supreme Court noted that the accepted method for sentencing is individualized sentencing where all information about defendant and other circumstances in aggravation and mitigation are considered.

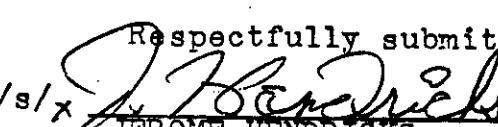
(16) 18.

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CONCLUSION

On the basis of the foregoing allegations ---- and taking into account any arguments to this Pro Se Post Conviction Petition to be tendered as and when additional factual information becomes available to counsel----- Hendricks moves that his conviction and sentence be vacated, and that he be afforded a new trial, on grounds that his conviction and sentence are violative of his constitutional rights to Due Process Of Law, as set forth above.

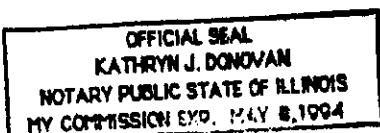
WHEREFORE JEROME HENDRICKS, petitioner pro se moves for an evidentiary hearing on the foregoing allegations, and thereafter, for relief pursuant to the Post Conviction Hearing Act, Ill. Rev. Stat., Ch. 38, Section -122-1 et seq. Post Conviction Act, Illinois Compiled Statutes, Chapter 725, Section 5/122 et seq.

Respectfully submitted,  
 /s/   
 JEROME HENDRICKS  
 N-53807  
 P.O. Box-99  
 Pontiac Correctional Center  
 Pontiac, IL 61764

SUBSCRIBED and SWORN to before me  
 this 15<sup>th</sup> day of February, 1994.

  
Pro Se Petitioner

KATHRYN J. DONOVAN  
 NOTARY PUBLIC



(17) 19

TO:

AURELIA PACINSKI  
CLERK OF THE CIRCUIT COURT OF COOK  
COUNTY, ILLINOIS COUNTY DEPARTMENT.

DEPARTMENT-CRIMINAL DIVISION

2650 South California Ave.  
CHICAGO, ILL. 60608.

MAY 11 1994  
AURELIA PACINSKI  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

FROM:

MR. JEROME B. HENDRICKS

I.D. # N-53807

PONTIAC, ILL. 61764

P.O. Box - 99.

CASE # 88CR12517

TO WHOM IT MAY CONCERN:

My NAME is Jerome B. Hendricks, I.D. # N-53807  
And I am writing this letter because  
on 11/14/ of April I sent out A Notice  
of APPEAL AND A PROSE POST CONVICTION  
To your office (4)four Copies to your  
office, And (1)one to JACK O'Malley office  
And (1) one copy to The Clerk of Appellate  
Court first District, GILBERT S. MARSHMAN

And, on MAY 2<sup>nd</sup> I receive A letter from the  
office of GILBERT S. MARSHMAN(Clerk)

stating; that they never receive a copy of my Notice of Appeal from your office.

So, therefore they're office can't pursue my Prose Post Conviction.

I am sending you a copy of the office letter, and asking you to please contact the office of Gil Berg S. McCHMAN, Clerk of Appellate Court First District.

So, they may proceed with my Prose Post Conviction Appeal in their office.

And, Please contact me and let me know as well, because they're office forward my appeal back to me, and I'll like to know when I can refile to their office, thank you!

mc. Jason J. Hendrick

CLERK'S OFFICE

APPELLATE COURT FIRST DISTRICT  
STATE OF ILLINOIS

RICHARD J. DALEY CENTER, RM. 2830  
CHICAGO, ILLINOIS 60602

GILBERT S. MARCHMAN  
CLERK

STEVEN M. RAVID  
CHIEF DEPUTY CLERK

May 2, 1994

Jerome Hendricks  
Reg. No. N-53807  
P.O. Box 99  
Pontiac, IL 61764  
88CR12517

Dear Mr. Hendricks:

The Appellate Court cannot process your "Pro Se Post Conviction Petition for Relief or your motion to file as a pauper and for appointment of counsel" because no filed notice of appeal has been forwarded to this office. Contact the Circuit Court where your notice of appeal was filed and see if it has been processed and sent to this Appellate Court.

Very truly yours,

*Steve Ravid*

Steve Ravid

smr/cdd

FILED  
MAY 11 1994  
PAULELLA PETRINSKI  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

22.

Mr. Jerome Hendrich # N-53807  
BOX 99  
PONTIAC, ILLINOIS 61764



ILED  
APRILIA PRUCINSKI  
CLERK OF THE CRIMINAL DIVISION  
MAY 11 1994

AURELIA PRUCINSKI:

CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, ILL. COUNTY  
DEPARTMENT OF CRIMINAL DIVISION  
2650 S. CALIFORNIA AVE.  
CHICAGO IL. 60608

LEGAL - MAIL

2  
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STATE OF ILLINOIS )  
                    )S  
COUNTY OF COOK    )

FILED

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - CRIMINAL DIVISION  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

JEROME HENDRICKS                         )  
Petitioner                                  )  
  )  
vs.    ) P.C. NO. 88 CR-12517  
  )  
PEOPLE OF THE STATE OF ILLINOIS        )  
Respondent                                  )

AMENDED MOTION TO DISMISS

Now comes the Respondent, People of the State of Illinois, by Jack O'Malley, State's Attorney of Cook County, Illinois, and John Haskins, Assistant State's Attorney, and respectfully moves this Honorable Court to strike the petition heretofore filed herein and to dismiss the proceedings for the following reasons:

1. Petitioner's allegations fail to raise any constitutional questions within the purview of the Post-Conviction Hearing Act.
2. Those of petitioner's allegations which might in their broadest sense be construed as raising such constitutional questions are merely bare allegations which, on numerous occasions, have been held by the Supreme Court of Illinois and the Appellate Court of Illinois, First District, to be not sufficient to require a hearing.

3. The petitioner's allegations are barred by the doctrines of res judicata and waiver. The petitioner had appealed his conviction and sentence. The petitioner's conviction and sentence were affirmed on direct appeal. According to applicable Illinois case law, it is well established that the scope of post-conviction review is limited by the doctrines of res judicata and waiver. Where the petitioner has appealed his conviction, all issues actually adjudicated on direct appeal are now res judicata, and all issues which the petitioner could have raised in his direct appeal but failed to raise are now deemed waived. People v. Stewart, 123 Ill.2d 368, 528 N.E.2d 631 (1988); People v. Gaines, 105 Ill.2d 79, 473 N.E.2d 868 (1984); People v. Derengowski, 44 Ill.2d 476, 256 N.E.2d 455 (1970).

4. The petitioner had previously filed a petition for post-conviction relief which was denied on March 21, 1994. This was affirmed by the Illinois Appellate Court in an Anders Opinion Rule 23 on November 21, 1994. Therefore, the allegations which are contained in the current petition for post-conviction are barred by the doctrines of res judicata and waiver. Illinois Revised Statutes, 725 ILCS 5/122-3, states: "Any claim of substantial denial of constitutional rights not raised in the original or amended petition is waived." Ill. Rev. Stat., 725 ILCS 5/122-3. The Illinois Post-Conviction Hearing Act contemplates the filing of only one post-conviction petition. The Illinois Supreme court has held that a ruling on a post-conviction petition has res judicata effect with respect to all claims that were raised or could have

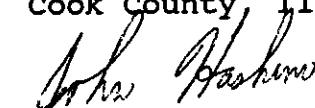
or could have been raised in the initial petition. People v. Free, 122 Ill.2d 367, 522 N.E.2d 1184 (1988); People v. Richeson, 50 Ill.2d 46, 277 N.E.2d 134 (1971).

WHEREFORE, the respondent prays that an order be entered by this Court, striking the petition of the petitioner Jerome Hendricks, and dismissing the proceedings.

Respectfully submitted

JACK O'MALLEY  
State's Attorney of  
Cook County, Illinois

By:



John Haskins  
Assistant State's Attorney

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Clerk's Office  
APPELLATE COURT FIRST DISTRICT  
State of Illinois 1995 FEB 21 PM 2:48  
160 N. LaSalle, Suite 1400  
Chicago, Illinois 60601 AURELIA PUCINSKI

**FILED**

02/15/95

Honorable Aurelia Pucinski  
Circuit Court of Cook County  
Chicago, Illinois

Re: People v. Hendricks, Jerome  
Appellate Court No.: 1-94-1570  
Trial Court No. 88CR12517

Dear Ms. Pucinski:

Attached is the Mandate of the Appellate Court in the above entitled cause.

We are sending the attorneys of record a copy of this letter to inform them that the mandate of the Appellate Court has been filed with you.

Gilbert S. Marchman  
Clerk of the Appellate Court  
First District, Illinois

Attachment

**FILED**

FEB 23 1995  
AURELIA PUCINSKI  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

cc: All attorneys of record

27,

THE APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

FILED

Hon. Calvin C. Campbell, Justice

1995 FEB 21 PM 2:48

Hon. Robert Chapman Buckley, Justice

AURELIA PUCINSKI

Hon. John M. O'Connor, Justice

Gilbert S. Marchman, Clerk

Michael F. Sheahan, Sheriff

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On the Twenty-First day of November, 1994, the Appellate Court, First District, issued the following judgment:

No. 1-94-1570

PEOPLE OF THE STATE OF ILLINOIS,  
Plaintiff-Appellee,

v.

JEROME B. HENDRICKS,  
Defendant-Appellant.

APPEAL FROM COOK COUNTY  
Circuit Court No. 88CR12517

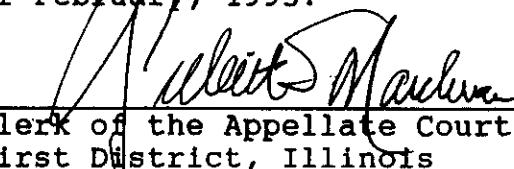
FILED

FEB 23 1995

AURELIA PUCINSKI  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

As Clerk of the Appellate Court, in and for the First District of the State of Illinois, and the keeper of the Records, Files and Seal thereof, I certify that the foregoing is a true copy of the final order of said Appellate Court in the above entitled cause of record in my office.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of said Appellate Court, at Chicago, this Fifteenth day of February, 1995.

  
\_\_\_\_\_  
Clerk of the Appellate Court  
First District, Illinois

NOTICE

The text of this order may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the same.

1-94-1570

IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Cook County.
JEROME HENDRICKS,	)	No. 88 CR 12517
Defendant-Appellant.	)	Honorable
		Leo Holt,
		Judge Presiding.

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O R D E R

Following a bench trial, defendant was found guilty of first degree murder, aggravated criminal sexual assault, aggravated kidnapping, kidnapping, unlawful restraint and concealment of a homicidal death. He was sentenced to natural life imprisonment for murder plus concurrent sentences for the remaining offenses, the longest of which was 30 years imprisonment for criminal sexual assault. These sentences run consecutively to the natural life sentence. On appeal, this court affirmed the judgment.

(People v. Hendricks (1993), 253 Ill. App. 3d 79, 625 N.E.2d 304.) On February 24, 1994, defendant filed a pro se post-conviction petition which the trial court summarily denied on March 21, 1994.

The public defender of Cook County, who represents defendant on appeal, has filed a motion for leave to withdraw as appellate counsel. A brief in support of the motion has been submitted

1-94-1570

pursuant to Pennsylvania v. Finley (1987), 481 U.S. 551, 95 L.Ed.2d 539, 107 S. Ct. 1990, in which counsel states that he has reviewed the trial record and concluded that there are no arguable bases for collateral relief.

We have carefully reviewed the record in this case and the aforesaid brief in compliance with the mandate of Pennsylvania v. Finley and no issues of arguable merit. Therefore, the motion of the public defender for leave to withdraw as counsel is allowed and the judgment of the circuit court is affirmed.

Affirmed.

CAMPBELL, P.J., with BUCKLEY, J., and O'CONNOR, JR., J., concurring.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

STATE OF ILL.

Plaintiff-Petitioner,

v.

JEROME HENDRICKS

Defendant-Respondent.

P.C.  
No. 88-12517

The Honorable

TED HOIT

Judge Presiding.

## 6TH DIST. NOTICE OF FILING

TO:

Clerk of The Court  
16501 S. Kedzie  
Markham, IL 60426

PLEASE TAKE NOTICE that on or before the 4 day of March  
1997, I shall file with the Clerk of the Circuit Court of COOK  
 County, Illinois, the attached Plaintiff-Petitioner's  
MOTION FOR BAR ASSOCIATION ATTORNEY

a copy of which is hereby served upon you.

By: Jerome Hendricks  
 Register Number N-53807  
 Post Office Box 711,  
 Menard, Illinois 62259

CERTIFICATE OF SERVICE

I, Jerome Hendricks, being duly sworn upon my oath  
 depose and state that I have served copies of the foregoing to the person named  
 above by placing such copies in the U.S. Mailbox at the Menard Correctional  
 Center, on the 4 day of March, 1997; postage  
 prepaid.

Jerome Hendricks

Subscribed and Sworn To Before

Me This 4 Day of March, 1997.Jeffrey L. Crossland

NOTARY

PUBLIC

SEAL



STATE OF ILLINOIS )  
                     ) SS.  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS )

vs. )

Jerome Hendricks )

CASE NO. P.C. 88-12517

HONORABLE LEO HOLT

MOTION FOR BAR ASSOCIATION ATTORNEY

NOW COMES the defendant, Jerome Hendricks, in his own proper person, and moves this Honorable Court to enter an order providing that the defendant shall be appointed counsel other than the Illinois Public Defenders Office to represent him in his defense against the State of Illinois.

1. That he is the defendant in this cause and that he is indigent and without the financial support and resources of any description whatsoever with which to retain counsel to represent him in his defense.
2. That he possesses a Federal and State Constitutional Right to the Effective assistance of Counsel to represent him in his defense. . United States Constitution Amendment six: Gideon v. Wainwright 372 U.S. 355 (1963); Illinois Revised Statutes Chapter 38, Section 113-3(3).
3. That defendant: has been incarcerated continuously since August 1988 and am presently held in custody at the Menard Correctional Center, Menard, Illinois.

4. I believe I have a meritorious defense which is neither frivolous or malicious
5. that in regards to rule 651(c), which is stipulated in the record of proceedings in this matter, there would be a genuine conflict of interest if assistance of counsel arose from the Public Defenders' Office
6. wishes this honorable Court to provide him a Bar Association Attorney where the issues of this docket-numbered matter can be efficiently mitigated.

7. \_\_\_\_\_

Wherefore, the defendant prays that this motion be allowed and granted.

SUBSCRIBED AND SWORN TO BEFORE ME

ON THIS 4 DAY OF March 1997

Jeffrey L. Crossland  
NOTARY PUBLIC



RESPECTFULLY SUBMITTED  
Acrome Henricks PRO SE,

Mr. J. Hendricks  
P.O. No. N53807  
P.O. Box 711  
Prairie du Chien, WI 53819



Re:

Clerk of The Court  
6TH District Circuit Court  
16501 Kedzie  
Markham, IL 60426

RE: 88-12517  
Hon. Leo Holt, Jr.

60426-3303

LEGAL MAIL

34

FILED  
SIXTH MUNICIPAL DISTRICT  
CIRCUIT COURT, COOK COUNTY

JAN 14 1998

STATE OF ILLINOIS )  
COUNTY OF COOK )S

AURELIA PUCINSKI  
CLERK OF CIRCUIT COURT

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - CRIMINAL DIVISION

JEROME HENDRICKS )  
Petitioner )  
vs. ) P.C. NO. 88 CR-12517  
PEOPLE OF THE STATE OF ILLINOIS )  
Respondent )

MOTION TO DISMISS

Now comes the Respondent, People of the State of Illinois, by Jack O'Malley, State's Attorney of Cook County, Illinois, and John Haskins, Assistant State's Attorney, and respectfully moves this Honorable Court to strike the petition heretofore filed herein and to dismiss the proceedings for the following reasons:

1. Petitioner's allegations fail to raise any constitutional questions within the purview of the Post-Conviction Hearing Act.
2. Those of petitioner's allegations which might in their broadest sense be construed as raising such constitutional questions are merely bare allegations which, on numerous occasions, have been held by the Supreme Court of Illinois and the Appellate Court of Illinois, First District, to be not sufficient to require a hearing.

3. The petitioner's allegations are barred by the doctrines of res judicata and waiver. The petitioner had appealed his conviction and sentence. The petitioner's conviction and sentence were affirmed on direct appeal. According to applicable Illinois case law, it is well established that the scope of post-conviction review is limited by the doctrines of res judicata and waiver. Where the petitioner has appealed his conviction, all issues actually adjudicated on direct appeal are now res judicata, and all issues which the petitioner could have raised in his direct appeal but failed to raise are now deemed waived. People v. Stewart, 123 Ill.2d 368, 528 N.E.2d 631 (1988); People v. Gaines, 105 Ill.2d 79, 473 N.E.2d 868 (1984); People v. Derengowski, 44 Ill.2d 476, 256 N.E.2d 455 (1970).

WHEREFORE, the respondent prays that an order be entered by this Court, striking the petition of the petitioner Jerome Hendricks, and dismissing the proceedings.

Respectfully submitted

JACK O'MALLEY  
State's Attorney of  
Cook County, Illinois

By:

John Haskins  
Assistant State's Attorney

**FILED**

NOV 23 1999

88cr12517  
Bridgewater

**AURELIA PUCINSKI**  
**CLERK OF THE CIRCUIT COURT**  
**CRIMINAL DIVISION**

STATE OF ILLINOIS, )  
Plaintiff, )  
 )  
 )  
 )  
 )  
-v- )  
 )  
JEROME HENDRICKS, )  
Defendant(s) )

**MOTION FOR APPOINTMENT OF COUNSEL**

NOW COMES JEROME HENDRICKS, the plaintiff, abd moves this Honorable Court for an order appointing counsel to represent him in the instant cause.

In support of his motion, plaintiff submits as follows:

1. That he is presently a prisoner in the State of Illinois, currently incarcerated at the Stateville Correctional Center, P.O. Box-112, Joliet, Illinois 60434.
2. That he is without sufficient funds or other assets with which to pay an attorney to represent him in this action, or to pay the cost of these proceedings.
3. That this action contains complex legal issues which plaintiff, a layman, cannot properly address due to his lack of formal legal training and inexperience.
4. That based on the foregoing, plaintiff's access to the court will not be meaningful, effective or adequate without assistance of counsel to represent him.

WHEREFORE, plaintiff prays that counsel be appointed to represent him in this action.

Respectfully Submitted,

37. J.Hendricks